

June 17, 2008



**TRANSCRIPT  
June 17, 2008**

**MONTGOMERY COUNTY COUNCIL**

**PRESENT**

Councilmember Michael Knapp, President	Councilmember Phil Andrews, Vice-President
Councilmember Roger Berliner	Councilmember Marc Elrich
Councilmember Valerie Ervin	Councilmember Nancy Floreen
Councilmember George Leventhal	Councilmember Donald Praisner
Councilmember Duchy Trachtenberg	



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1 Council President Knapp,

2 Good morning everyone. I apologize for the delay. We had couple of different meetings  
3 and interviews this morning and so it was important. We were interviewing the potential  
4 WSSC Commissioner and that's a very critical position in case folks have been paying  
5 attention given the water issues the County is dealing with right now so we wanted to  
6 make sure we paid special attention to that this morning. I would ask everyone to please  
7 rise before we get started this morning and join me in a moment of silence. Thank you  
8 very much. We begin this morning with a, first a presentation to a selfless dedicated  
9 public servant. I would ask Gordon Aoyagi and his wife Linda to come up and join us. [  
10 applause ]. Montgomery County or one of the things that makes Montgomery County a  
11 tremendous place for all of us to live is the quality of the employees that we have and  
12 the dedication and their commitment to service and excellence and, more importantly,  
13 for caring about people. We have no finer example of that, I think, in Montgomery  
14 County, than Gordon Aoyagi. Gordon, over the course of the last 22 years, 23 years in  
15 County government, but 30, over 30 years in public service has served as Head of our  
16 Ride On Division, has served in Fire and Rescue, has served in Homeland Security. But  
17 more importantly, what Gordon has done is done whatever was required to get the job  
18 done and he did it with a smile and he did it with an openness and a willingness to  
19 collaborate. And it is a pleasure for me today to take an opportunity to recognize  
20 Gordon. It is with some sadness, because he has done such an outstanding job and  
21 can continue to do such an outstanding job, that we would love to have him do it here.  
22 But nevertheless, Gordon is setting his way out for greener pastures. And so what I  
23 would like to do is just to present Gordon with a few things. First, for a man who has  
24 everything, a Jack of all trades, we have a number of hats for Gordon today. First, when  
25 he served as Chief of our Ride On Division, we have a hat reflecting the time that he  
26 spent there and made his initial commitment to County service.

27  
28 Gordon Aoyagi,  
29 Okay. Thank you.

30  
31 Council President Knapp,

32 Then, Gordon because Ride On and transit were not significant enough, in Montgomery  
33 County as many people may know, we had a very unique Fire and Rescue Service in  
34 that we had a volunteer system and we had a career system. Back in the mid '90s, there  
35 was a, kind of an umbrella position that was put in place which, for the first time in this  
36 country, there was a civilian that headed our Fire and Rescue Service. And so Gordon  
37 had the often unenviable task of trying to manage 23 separate organizations to come to  
38 successful completion to meet the public safety needs in Fire and Rescue Services for  
39 Montgomery County. And by all accounts, Gordon did a tremendous, tremendous job.  
40 Talk about herding cats, this was the, to the quintessential example of it and yet, with a  
41 smile on his face and pulling all the pieces together, Montgomery County's Fire and  
42 Rescue Service was one of the finest in the nation under his leadership. For that, we  
43 give you this second hat.



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1 Gordon Aoyagi,  
2 All right. Good. Thanks. It even has smoke on it.

3  
4 Council President Knapp,  
5 Well, we wanted to make, it bears the scars that you have from all your time of service.  
6 And then Gordon did a tremendous job in helping us to reform the Fire and Rescue  
7 Service so we consolidate under a single fire chief thereby starting a trend that he has  
8 continued on right now in working himself out of a job. But Gordon, because he is  
9 creative, then helps establish a new position and we created a Department of Homeland  
10 Security in which Gordon segued over from being the Fire Administrator to becoming  
11 our first Chief for the Department of Homeland Security. And so we have yet one more  
12 hat.

13  
14 Gordon Aoyagi,  
15 All right. Good. Thank you.

16  
17 Council President Knapp,  
18 And then, true to form, Gordon worked himself out of that job and helped to reorganize  
19 County government thereby modifying the way we had addressed our Department of  
20 Homeland Security, made it more of a smaller group within County government and  
21 putting some of the elements in our police, our Fire and Rescue Services, but then also  
22 worked with our Department of Public Works and Transportation and Department of  
23 Procurement to come up with a new structure for County government to establish a  
24 Department of General Services and a Department of Transportation. He led that  
25 charge. The problem was once Gordon led that charge, he looked around and all of the  
26 seats were already taken because he did such a great job of reorganizing everything.  
27 So, rather than give him a hat for that, we in Montgomery County, have the wonderful  
28 pleasure of the plate, of providing Gordon Aoyagi with the requisite plate of distinction of  
29 Montgomery County. [laughter]. So, no hats. [applause]. Gordon has done a fabulous  
30 job and we all know that in order to be in public service, this is not a single person  
31 operation, that the only way most of us can truly be in public service and be successful  
32 is to have support of someone else behind us at home and Linda has been that, not just  
33 at home, but certainly being out there in front of everybody and going to a number of  
34 events with Gordon and participating in this fully. And so this was clearly a life that they  
35 both shared and they both believed in and they both appreciated. And so, again, I'm  
36 going to make you all stand up one more time because just giving him the plate wasn't  
37 sufficient. [applause]. I want to congratulate you and thank you for your [INAUDIBLE].  
38 Congratulations.

39  
40 Gordon Aoyagi,  
41 This may be the best occasion of all. I finally get the last word in front of Council. I truly  
42 am humbled by the recognition. I think most public servants when they stand before a  
43 group will always say we didn't do it for the acknowledgment or recognition, we did it  
44 because we thought that is what the job entailed and that's what we were supposed to



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1 do. When I work with a number of other national boards, I always ask if any of them are  
2 from Montgomery County. And I had the good fortune of running into one who said, and  
3 I wanted to share that with some of the others, that he was so proud of Montgomery  
4 County, he wanted his daughter to make sure she saw how Montgomery County  
5 government worked. It was always objective, it was always responsive, its values  
6 reflected that of the community. He was very proud of the fact that he lived in  
7 Montgomery County and he had such leadership that was so responsive, so objective,  
8 and so committed. So, I stand here before you just as a representative of the great work  
9 that people do. I also stand on the shoulders of all the County employees. As Mike said  
10 we don't do it alone. It is the security officer standing behind the desk, it's the firefighter,  
11 it's the police officer responding to the emergency, it's the ride on bus operator who is  
12 doing the best he can when more people come to ride the bus because the gas prices  
13 are so high. And it's our County employees who, day in and day out, do whatever they  
14 can to serve the public and try to be responsive to them. And when bad things happen,  
15 these people do extraordinary things. I have had the good fortune to see that and  
16 observe it. And I thank you for that opportunity. I would be remiss if I did not say  
17 anything about your Council staff. I think they are probably the unsung heroes. And I  
18 have had the good fortune to work with many of them. At the risk of not mentioning all of  
19 them, but to indicate as sort of representative of the fine work they do, Minna Davidson,  
20 Linda McMillan, I could not get anything by them. [laughter]. If I said something three  
21 years ago, they would remind me. I thought I was on Tim Russert's show. But surely  
22 you are well served by a tremendously dedicated staff. And of course, the commitment  
23 that each of you make to what you do. It is not easy to be a representative in a  
24 democratic society. And it does, I acknowledge take a great deal of sacrifice,  
25 commitment, leadership. I think there was a Asian philosopher who said, to be a leader,  
26 you have to know when to be as strong as a diamond, to bend like a bamboo, to flow  
27 like a river, and to be an empty vessel. I'm sure there are times when you felt that and  
28 you have probably had more poured into your cup than you've ever wanted. But I thank  
29 you for the leadership, commitment, dedication that you've displayed to make this place  
30 so great. With that, all I can just say is, I truly, truly am humbled. It has been a wonderful  
31 thing to work for Montgomery County, work with the residents, work with the staff. We  
32 worked all hard jointly on this thing that we call public trust and this place that we call  
33 Montgomery. We've all worked hard to make it the great place it is. Mike, thank you and  
34 thank you all.

35  
36 Councilmember Floreen,  
37 [applause]. Good luck.

38  
39 Gordon Aoyagi,  
40 Thank you.

41  
42 Councilmember Leventhal,



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1 Mr. President. I just wanted to note, I thought it was excellent, thank you Gordon, that  
2 you arranged this public health water emergency to commemorate Mr. Aoyagi 's last  
3 few days as our Manager of Emergency Services. I thought that was a really nice touch.

4  
5 Council President Knapp,  
6 Thank you. And I also did that to make sure that he doesn't in fact get the last word  
7 because I understand he'll be back this afternoon with his Chief Administrative Officer to  
8 fill us in on everything that has occurred. So we will still have one more opportunity to  
9 question him before he disappears.

10  
11 Councilmember Leventhal,  
12 Very thoughtful of you.

13  
14 Gordon Aoyagi,  
15 Thank you. Thank you very much. Grab all my hats.

16  
17 Council President Knapp,  
18 Don't forget the hats. Wear this one?

19  
20 Gordon Aoyagi,  
21 Sure, I'll wear that one out.

22  
23 Council President Knapp,  
24 Since I know that was part of your. [ applause ]. We now turn to cooking and to  
25 Councilmember Nancy Floreen to provide a Proclamation in recognition of Carolyn  
26 Gurtz, winner of the Pillsbury Bake Off. And it looks like she's brought us gifts.

27  
28 Councilmember Floreen,  
29 Come on up Carolyn. Well, you thought Gordon was cool. You know, this is a great  
30 County.

31  
32 Carolyn Gurtz,  
33 It is wonderful.

34  
35 Councilmember Floreen,  
36 We have such creative individuals. We have got teams. We have got grand thinkers.  
37 We have got terrific public servants. We have got the winner of the Pillsbury Bake Off. Is  
38 this cool or what? This may be over your heads, lacrosse team, however I have to say  
39 to Carolyn, thank you. You preserved your precious treasure sitting in the audience. A  
40 plate that the Councilmembers will get a chance to sample, I think.

41  
42 Carolyn Gurtz,  
43 Yes.



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1 Councilmember Floreen,  
2 Her award winning cookies. Carolyn Gurtz from Gaithersburg is really a testament to the  
3 theory of, or the philosophy of never say never, right?  
4

5 Carolyn Gurtz,  
6 Right. Definitely.  
7

8 Councilmember Floreen,  
9 She has been baking in Montgomery County for many, many years. Your first  
10 submission, as I understand it, was to the Montgomery County Ag Fair. I hope you have  
11 got this on your schedule coming up next.  
12

13 Carolyn Gurtz,  
14 In August.  
15

16 Councilmember Floreen,  
17 In August. First year, you won, first prize, second prize, and third prize. Right? That was  
18 the beginning of an esteemed career in baking. And when was it? In April that you won  
19 this?  
20

21 Carolyn Gurtz,  
22 Yes.  
23

24 Councilmember Floreen,  
25 In April, Carolyn won \$1 million in the Pillsbury Bake Off competition. The 43rd annual  
26 bakeoff. She has been cooking for years for her sons and now her grandson. And she is  
27 a cookbook collector. She also won the sweet treats category which awarded her a GE  
28 double oven, is that right, and over \$7,000 worth of kitchen items. She stuck with it. We  
29 are just so proud and delighted that Carolyn could join us today. She's made time in her  
30 busy schedule between "the Today Show" and "the Late Show" and everything else,  
31 because America, despite what we say about obesity, we really like cookies. [laughter].  
32 So we have, you brought with you some of your recipe cards. May I say that you might  
33 want to mention that the print could be a little bigger.  
34

35 Carolyn Gurtz,  
36 Yes, I thought that too.  
37

38 Councilmember Floreen,  
39 And maybe you could get Montgomery County added so people would know where you  
40 come from in addition to Gaithersburg so they can center their attention. We will hook  
41 you up with the Office of Economic Development because this is a draw for  
42 Montgomery County. Let me read our little Proclamation for you. This is very exciting for  
43 all of us. I gave up cooking many years ago and I'm glad that someone has retained the  
44 skills and commitment. My office is a big fan of yours, let me tell you this. But let me



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1 read this. The, our Proclamation says, whereas, the Pillsbury Bake Off contest has  
2 recognized and rewarded creative home cooks across America since 1949. And  
3 whereas, the contest has reflected and set trends in American cooking with more than  
4 4,000 finalists vying for the annual grand prize since the contest's inception. And  
5 whereas, Gaithersburg Carolyn Gurtz competing against 99 others in the finals in  
6 Dallas, won the 43rd annual Pillsbury Bake Off \$1 million grand prize with her double  
7 delight peanut butter cookies. And whereas, the mother of two has been cooking since  
8 age seven and finally reached her life-long dream of becoming a finalist in the Pillsbury  
9 Bake Off after fifteen years of submitting recipes. Whereas, judges described the prize  
10 winning cookies, which also won the sweet treats category, as a simple and  
11 approachable combination of a snicker doodle and a peanut butter cookie creating a  
12 new twist on an old classic and I can't believe you preserved these cookies from all  
13 these present. And whereas, our hometown hero has appeared on national TV shows,  
14 "Inside Edition" and "the Today Show" but promises to maintain her longtime tradition of  
15 entering recipes in the Montgomery County Agricultural Fair. Now therefore, be it  
16 resolved that the County Council of Montgomery County, Maryland proclaims, listen to  
17 this, June 17, 2008 as Carolyn Gurtz Day, okay, in Montgomery County in honor of Ms.  
18 Gurtz's achievements in the Pillsbury Bake Off and the selection of her double delight  
19 peanut butter cookies for the national grand prize. Presented this 17th day of June, in  
20 the year 2008 and signed by our Council President.

21  
22 Carolyn Gurtz,  
23 Thank you so much.

24  
25 Councilmember Floreen,  
26 So, congratulations.

27  
28 Carolyn Gurtz,  
29 Thank you. [ applause ].

30  
31 Councilmember Floreen,  
32 Here, we need to have this up here with the cookies. Oh, they smell good. All right?  
33 Thank you.

34  
35 Carolyn Gurtz,  
36 Thank you so much.

37  
38 Councilmember Floreen,  
39 Would you like to say anything Carolyn?

40  
41 Carolyn Gurtz,  
42 Yes. Thank you. First of all, thank you very much Councilmember Floreen and the rest  
43 of the Council. And I want to say that I grew up in Kensington and then moved to  
44 Gaithersburg when I was married, so I have been living in Montgomery County for 56



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1 years. And I think, of course, it is the very best County that there ever is. I have watched  
2 it grow and even though it has grown, it still maintains its hometown feeling and is just a  
3 great, great place to live. I just want to say, I know a lot of other people feel the same  
4 way because if you look around, especially where I grew up, the people like their area  
5 so well, that they either tear down their existing house and make it bigger.

6  
7 Councilmember Floreen,  
8 You had to say that.

9  
10 Carolyn Gurtz,  
11 Did I say the wrong thing? Or they expand it to make it bigger. And so, I said the wrong  
12 thing, I guess. But I just know that they like the area so much, that they just want to  
13 stay.

14  
15 Councilmember Floreen,  
16 Yes.

17  
18 Carolyn Gurtz,  
19 There is a lot of new housing going on. We moved into a lovely new home with two and  
20 a half acres in Gaithersburg and we just love it. So I cannot thank you all enough. And  
21 to have a day in my name. Wow.

22  
23 Councilmember Floreen,  
24 Yes. Now your family will really respect you.

25  
26 Carolyn Gurtz,  
27 Thank you all very, very much.

28  
29 Councilmember Floreen,  
30 Congratulations. [ applause ].

31  
32 Carolyn Gurtz,  
33 Thank you.

34  
35 Councilmember Floreen,  
36 Let me let my colleagues sample these and we'll give you your plate back.

37  
38 Carolyn Gurtz,  
39 Okay. [multiple speakers].

40  
41 Councilmember Floreen,  
42 Thank you.

43  
44 Council President Knapp,





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1 Thank you Councilmember Floreen, and our final presentations of the morning are  
2 being conducted by the Council Vice-President, Councilmember Andrews and they are  
3 Proclamation in recognition of Wootton's Girl's and Boy's Lacrosse teams for winning  
4 the Regional Championship titles. We will first recognize the Wootton Girl's team. So,  
5 come on up.

6  
7 Councilmember Andrews,

8 Yes. Please join me up here, all those members of the Girl's Lacrosse team at Wootton  
9 as well as the girls' coach Anne-Marie Ritzell and the Principal of Wootton, Dr. Michael  
10 Doran. Good morning. I noted that our Council Deputy Staff Director, Glenn Orlin, who  
11 is known to love cookies is here in the audience, and Glenn, I promise to save you one  
12 of those that are going around. We have an extraordinary situation in that we have both  
13 Lacrosse teams from Wootton winning the Regional Championships this year pushing  
14 each other along. We have wonderful student athletes at Wootton in both teams. And it  
15 is my honor to recognize both this morning, this is one of the great things about serving  
16 on the Council is to recognize the outstanding accomplishments of so many of our  
17 County residents including our students, in this case our student athletes, and I want to,  
18 on behalf of the County Council present this Proclamation today to the Wootton Girl's  
19 Lacrosse team for their outstanding season and no doubt, one that will continue next  
20 year given that I know that not everyone is graduating and there is a foundation for  
21 another great team there. So, I'll read this Proclamation and I'll ask the team captain if  
22 they would like to say a few words on behalf of the team. Whereas, many factors go into  
23 the formation of a championship lacrosse team, including aggressive defense, explosive  
24 offense, outstanding goal keeping, and most important of all, a strong team chemistry.  
25 And whereas, the Wootton High School Girl's Lacrosse team exhibited each of these  
26 qualities in 2008, winning its first fifteen games and overcoming a three-goal deficit to  
27 defeat Blake High School 10-8 in the Maryland 4A/3A West Region Championship  
28 game. And whereas, in the best season in our history, the Patriots finished 15-1. Their  
29 only loss coming by an 11- 6 margin to Catonsville in the Maryland 4A/3A state  
30 semifinals. And whereas, this year, the Rockville team was so dominant that it averaged  
31 13.6 goals per game, allowed an average of only 6.7 per game, so a 2-1 margin, had  
32 senior Julia -- with an incredible 65 goals and 32 assists, Julia? Good job. Named as  
33 the Gazette Newspaper's Montgomery County player of the year. Senior Eliza Kaplan  
34 selected as all Montgomery first team. Congratulations. And senior goalkeeper Emilia  
35 Titus as a second team selection. All right. Great. Good work. Whereas, the outstanding  
36 leadership of Coach Anne-Marie Ritzell who was named County coach of the year by  
37 the Gazette, and assistant coach Carol --, the Patriots demonstrated the results that can  
38 be produced through hard work, dedication, and a high degree of executing basic  
39 fundamentals. And whereas, all the players, coaches, their families, and supporters  
40 deserve hearty congratulations for setting their sights high and realizing their dreams.  
41 Now therefore, be it resolved, that the County Council of Montgomery County, Maryland  
42 hereby proclaims congratulations and salutes the 2008 Wootton High School Girl's  
43 Lacrosse team. And be it further resolved that the Montgomery County Council joins  
44 with the entire Wootton High School community in recognizing the achievements of the



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1 Patriots. Presented on this 17th day of June, 2008. Signed by Michael J. Knapp,  
2 Council President. Congratulations to you all. [ applause ]. All right. I'll present this to the  
3 team captain on behalf of the team. Will you say a few words? [multiple speakers].  
4 Okay.

5  
6 Anne-Marie Ritzell,  
7 All right. I'll make it quick. Thank you very much for recognizing these ladies' lovely  
8 efforts. We worked really hard for this. Hopefully, you know, this will be something that  
9 we get to do again and again. Thank you for noticing their hard work and hopefully their  
10 reflection, not only on the lacrosse field, but in the community will come for years to  
11 come. Thank you very much.

12  
13 Councilmember Andrews,  
14 Sure, well, you're welcome. Thank you very much . This is the hardest part.

15  
16 Unidentified  
17 Getting everybody in the picture. [multiple speakers]. Take a bunch of these. Okay.  
18 Everybody look up and there's other people taking pictures so be patient with all of us.  
19 [multiple speakers]. Okay. Everybody look in this way and everybody smile. Thank you.

20  
21 Councilmember Andrews,  
22 Congratulations. All right. I would like to have the guys join me up here now and call  
23 back the principal and the boys' coach Colin Thomson and the assistant Dave Hafer. All  
24 right. Well, this is quite a year for Wootton. Particularly in lacrosse. You set a high  
25 standard for the next team to follow. Good job. I want to present to you this  
26 Proclamation on behalf of the County Council in recognition of the outstanding  
27 teamwork that this required over a long period of time. It is not easy to put together the  
28 type of season you had and a lot of credit goes to the coaches for all their dedication to  
29 your efforts as I'm sure you appreciate as well. So, with that, let me read the  
30 Proclamation on behalf of the County Council to you. Whereas Montgomery County  
31 high schools have been driven to develop top caliber boys lacrosse teams on the level  
32 with Washington area private school programs and public school programs in other  
33 areas of Maryland that existed decades before most Montgomery County youngsters  
34 had ever been exposed to short or long stick. And whereas, the strides that have been  
35 made and the quality of lacrosse in Montgomery County have never been more evident  
36 than in the talents and determination demonstrated by the Wootton High School teams  
37 of the past two seasons. And whereas the Patriots this year finished 16- 2, won 16  
38 consecutive games, went undefeated against Montgomery County competition, and  
39 reached the Maryland 4A/3A state semifinal game where they lost to eventual state  
40 champion Delaney in a hard fought 9- 6 outcome. And whereas, this year, the Rockville  
41 school, which won the Maryland West Regional Championship with a 12-5 victory over  
42 Bethesda-Chevy Chase was so dominant that it scored at least 9 goals in 16 of its 18  
43 games and that four of its players were named to the Gazette Newspaper's all  
44 Montgomery first or second team. And whereas, after having reached the Maryland



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1 State Championship game one year earlier, the hard work and dedication displayed  
2 under the outstanding leadership of Coach Colin Thomson and Assistants Dave Hafer  
3 and John Rum truly demonstrate that Montgomery County Boy's Lacrosse is reaching a  
4 level that is approaching par with the best teams throughout the Washington region.  
5 And whereas, all the players, coaches, their families, and supporters deserve hearty  
6 congratulations for setting their sights high and realizing their dreams. Now therefore,  
7 be it resolved, that the County Council of Montgomery County, Maryland, hereby  
8 proclaims congratulations and salutes the 2008 Wootton High School Boy's Lacrosse  
9 team. And be it further resolved that the Montgomery County Council joins with the  
10 entire Wootton High School community in recognizing the achievements of the Patriots.  
11 Presented this day 2008, signed by Michael Knapp, Council President. Congratulations  
12 you guys. Great job. [ applause ]. [multiple speakers].  
13

14 Tommy Whitlock, II,  
15 I just want to make this short. I just want to say thank you to our coaches, thank you to  
16 our fans, and thank you to Wootton High School. Good luck, boys, next year.  
17

18 Councilmember Andrews,  
19 Well done. Coach.  
20

21 Colin Thomson,  
22 I just want to thank the Council for recognizing the team this year. We had a fantastic  
23 season. The boys worked real hard. You know, we could not have a season the way we  
24 had without them. They truly earned it throughout the whole season. I would like to  
25 thank the Wootton teachers and administration for all their support along with the fans.  
26

27 Councilmember Andrews,  
28 Congratulations. And good luck next year.  
29

30 Michael Doran,  
31 Could I just say a word?  
32

33 Councilmember Andrews,  
34 Yes please.  
35

36 Michael Doran,  
37 I just wanted to let people know that these two teams really have shown that there has  
38 been a real renaissance in Wootton athletics this last couple of years. But of all the  
39 teams that we have, there seems to be an affinity for Wootton and their players with  
40 sticks because, if you remember, this year, girl's field hockey made it to state semi-  
41 finals, boy's ice hockey won the state finals, boys tennis were 12- 1, and our two  
42 lacrosse teams were just superb. So it's something about sticks and Wootton that seem  
43 to work. So maybe, we'll take sticks on the soccer field and on the other field. But I just



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1 wanted to thank all the students and all the coaches at Wootton for really making  
2 Wootton not just a great academic school, but also a great sports school. Thank you.

3  
4 Councilmember Andrews,  
5 Congratulations. All right. This is the toughest part of the season is getting you all in one  
6 picture. . So the girl's lacrosse team set the example of how to do it. [multiple speakers].

7  
8 Council President Knapp,  
9 Okay. I know. Well, congratulations to all of our recipients this morning. Clearly, the  
10 efforts of Montgomery County and the rest of the world are paying off. It is important for  
11 us to take the time to recognize those accomplishments here at home. I want to make  
12 just a couple of announcements. First, remind everyone that there is a special election  
13 for the 4th Congressional District today. Today is Tuesday, June 17th. So if you have  
14 not yet voted and live in the 4th Congressional District, please do so.

15  
16 Unidentified  
17 Can I take time out to go vote?

18  
19 Council President Knapp,  
20 Sure. We will give you lunch. I would also announce for my colleagues' benefit that we  
21 will have an update on the WSSC water main break issue at 3:00. The Chief  
22 Administrative Officer, Mr. Aoyagi, and the County Health Officer, Dr. Tillman, will come  
23 back and give us a presentation there so we have some understanding as to the status  
24 of the current situation. I would now turn to Ms. Lauer for any announcements,  
25 acknowledgements or changes.

26  
27 Linda Lauer,  
28 The only, other than that one change, we just have two Petitions this week. One is  
29 supporting the demolition of the house at the Hillmead property and one supporting the  
30 Suburban Hospital's Campus enhancement project.

31  
32 Council President Knapp,  
33 Excellent.

34  
35 Linda Lauer,  
36 That's it.

37  
38 Council President Knapp,  
39 Thank you very much.

40  
41 Linda Lauer,  
42 Thanks.

43  
44 Council President Knapp,



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1 Madam Clerk, are there Minutes for Approval?

2  
3 Council Clerk,

4 Yes. You have the Minutes of May 6th, 8th, 12th, 13th, 14th, 15th, 16th, and 22nd for  
5 Approval.

6  
7 Council President Knapp,  
8 Very good. Is there a motion?

9  
10 Councilmember Ervin,  
11 So moved.

12  
13 Council President Knapp,  
14 Moved by Councilmember Ervin.

15  
16 Councilmember Leventhal,  
17 Second.

18  
19 Council President Knapp,  
20 Seconded by Councilmember Leventhal. Is there a discussion on the Minutes? Seeing  
21 none, all in support indicate by raising your hand. That is unanimous among those  
22 present. Thank you very much. We now turn to the Consent Calendar. Is there a motion  
23 for the Consent Calendar?

24  
25 Councilmember Floreen,  
26 Move approval.

27  
28 Council President Knapp,  
29 Moved by Councilmember Floreen.

30  
31 Councilmember Berliner,  
32 Second.

33  
34 Council President Knapp,  
35 Seconded by Councilmember Berliner. Councilmember Floreen.

36  
37 Councilmember Floreen,  
38 Thank you, Mr. President. I just wanted to draw your attention to item B on the Agenda.  
39 The T&E Committee recommends approval of the supplemental appropriation and I just  
40 wanted to note we had an extensive conversation about one element in particular  
41 yesterday, which is project civic access having to do with handicapped accessibility in  
42 County buildings. We will be taking that up in greater detail, possibly later this summer  
43 also with respect to some of our transportation issues. So I wanted to keep the Council  
44 posted on that.



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1  
2 Council President Knapp,

3 Thank you very much. I would also note for my colleagues that on L and M we have the  
4 Action, Confirmation of the County Executive's appointment for the Director of the  
5 Department of General Services and the Department of Transportation, Mr. Dise and  
6 General Holmes. Because of the fact they are actually both sitting as current Directors  
7 of the previously modified departments, we did not see that it was necessary for them  
8 necessarily to be here and both of them are actually detained in meetings in other parts  
9 of the County. But I just wanted to let you know that and they both would be willing to  
10 come back but I didn't get a sense from any of my colleagues that that was necessary  
11 for that so I just wanted to let you know that they were of interest if we needed them  
12 here but I suggested that they go do the work of the County first. Seeing no further  
13 discussion on the Consent Calendar, all in support indicate by raising your hand. That is  
14 unanimous among those present. Thank you very much. We now turn to the Board of  
15 Health. We are now sitting as the Board of Health to receive our regular update from Dr.  
16 Tillman, our County Health Officer. Dr. Tillman.

17  
18 Ulder Tillman,  
19 Good morning.

20  
21 Council President Knapp,  
22 Good morning.

23  
24 Ulder Tillman,  
25 I am Ulder Tillman. I am the County Health Officer and Chief of Public Health Services  
26 in Montgomery County. I wanted to have this opportunity to provide to you an update on  
27 some of the activities that have been occurring in public health. At the start of last fiscal  
28 year at the beginning of the school year on August 30th, Public Health Services  
29 Communicable Disease Control had learned that we had seven students in one high  
30 school who had skin infections of concern. We proceeded with that investigation and  
31 identified that we did have the skin infection called community acquired or community  
32 associated Methicillin-Resistant Staph Aureus and this had spread and continued to  
33 spread so that by the end of the school year, we actually had some 68 confirmed cases  
34 in 47 of our schools. Obviously, when we had the first outbreak, we were very  
35 concerned. Public Health, Health and Human Services worked closely with the  
36 Montgomery County public school system in terms of coordinating efforts to prevent the  
37 spread of this condition. We also learned that this condition has become prevalent  
38 throughout the United States. There was a long article that was published in, I believe  
39 that was September 5th of last year, which reviewed the invasive nature of this  
40 condition and the cases that have been spreading throughout the United States. This  
41 started, we believe, as a hospital associated condition that then spread into the  
42 community and now there is some comingling of these strains. But in any case, the  
43 concern is that we need to provide a lot of public education and intervention in terms of  
44 how to prevent the condition and what to do when this condition appears so that our



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1 school health nurses, our communicable disease control worked with Montgomery  
2 County public school system. We met daily and then weekly. Our nurses provided  
3 materials, educational materials to the school staff as well as to the students. We were  
4 able to get information on the County website as well as the MCPS website about the  
5 condition. It was unfortunate that before it was noted in Montgomery County, there was  
6 a death of a student in Virginia and then we had a death of a schoolteacher here in  
7 Montgomery County. That individual, both individuals, had the very aggressive, invasive  
8 form of the condition. It certainly gave us the warning that this is something that one  
9 cannot take lightly, that we have to repeatedly remind our athletic coaches, our health  
10 facilities, our sports facilities, our rec centers, our parents, all of the community that this  
11 is now a common condition that cannot be ignored. It is resistant to common antibiotics  
12 so that if there is suspicion that an infection is not going away or is worsening, that  
13 individuals must seek the attention of their health care provider, have it cultured so that  
14 it can be properly treated. That is something that we will continue to deal with. It has  
15 been added, although it is not a reportable disease in the state of Maryland, it's certainly  
16 something that we are now mindful of and we are currently working to prepare for the  
17 fall season when the students come back in terms of making sure that parents as well  
18 as school staff and the students understand how to identify the condition and what to do  
19 in case it occurs. We also had to emphasize the regular cleaning of our sports facilities  
20 and areas of schools where this is identified. So we reemphasized the guidelines from  
21 the Centers for Disease Control and Prevention in terms of what to do to properly clean  
22 the surfaces and to regularly do so. I hope that all of you, if you have opportunities to  
23 visit any of the sport and health, recreation facilities in the County, that you should be  
24 seeing that there should be disinfectant near those commonly used equipment pieces  
25 and those equipments, that equipment should be wiped down after each individual use.  
26 That is something that we are strongly encouraging all of our facilities in the County to  
27 do. That is something that you can help us too to reinforce that they should be following  
28 those guidelines. So that is really where we are with what we call MRSA, community  
29 associated MRSA. We will continue to follow it. As I said, we still have the information  
30 on the County website. The school system has it on their website. We will continue to  
31 monitor. But as I said, at the end of the school year, we had 68 confirmed cases that  
32 were reported to us and followed by our nurses and 47 schools have been affected. It  
33 clearly occurs randomly and in isolated fashion. So that this is something that requires  
34 skin-to-skin contact. Occasionally, if you have broken sores on your skin and you  
35 contact a piece of equipment that had been used by someone who had the infection,  
36 then it is possible for it to be transmitted that way. Basically, we emphasize that an  
37 individual has to keep these wounds covered until healed and needs to be followed by a  
38 health care provider. That is my update on MRSA. I can take your questions on that as  
39 well. Something that has occurred very recently that the County is trying to take the  
40 opportunity to invest in is the situation related to pandemic influenza and if and when  
41 that comes to our country and to our County. The Department, the Maryland  
42 Department of Health and Mental Hygiene has been participating as some other states  
43 in a contract with the federal government that they can purchase anti-virals to have on  
44 hand if needed. The pandemic influenza is going to be a situation where it's going to be



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1 a novel strain of a virus, something that's not been seen before, something that we don't  
2 have a vaccine against to help us. The problem that we have still now with the current  
3 technology is it takes six months to generate a vaccine once it's identified. Because of  
4 that situation, that means you've got a number of people at high risk, whether it's  
5 respiratory or chronic disease conditions as well as infants, young children who can be  
6 at risk of getting this severe form of influenza to be hospitalized and also to die. So that  
7 our best defense that we will have when this comes to the country is to use first the non-  
8 medical techniques or methods to prevent the spread or delay or reduce the spread of  
9 the disease. First of all, that means we'll have to use some what we call social  
10 distancing. We are going to have to make sure that people keep at least a yard from  
11 each other. Keep away from people who are coughing or sneezing or appear ill. That  
12 we have to reinforce the respiratory etiquette of rather than coughing into your hands,  
13 but to cough into an elbow so that you keep your hands clear and clean. In addition to  
14 that, we will have to implement some more drastic methods to prevent and delay the  
15 spread of influenza, pandemic influenza that we won't have protection against. And that  
16 means we will have to entertain and discuss school closures, closing other gatherings  
17 so that we prevent the spread of the disease. Also, while we are waiting for a vaccine to  
18 be developed, we do know at this point in time for our current influenzas, that we do  
19 have several antiviral drugs that can treat people who start showing symptoms of the  
20 disease or who become very ill. That if they are treated in the first 48 to 72 hours, it can  
21 reduce the severity of that disease. What we have discussed in the public health sector  
22 and what we have been working with with the state and with the federal government,  
23 that if we can have a cache of these drugs on hand, that if we have our emergency and  
24 critical responders, if they do appear to have symptoms and become ill of this disease,  
25 that we can get medication to them very quickly. We already know that when the  
26 pandemic begins, that these medications are going to be in short supply. When the  
27 vaccine is produced, we know that's going to be in short supply. And if you recall some  
28 of our past history in trying to get the regular flu vaccine properly distributed, we know  
29 we will have distribution nightmares as well. So, therefore, we have this opportunity to  
30 have a cache of these drugs on hand in Montgomery County so that if we need them,  
31 that we will be able to get them dispensed quickly. This is going to be for government  
32 employees, the first responders. The hospitals have another allocation of funds in which  
33 the hospital staff will be able to have a cache of these drugs as well. The Centers for  
34 Disease Control has been discussing regularly in terms of the priorities, in terms of how  
35 it would be administered. At this point in time, there is not enough of this medication to  
36 be able to give it in advance before a person has symptoms and just as exposure. We  
37 have to be able to treat those who become ill and treat them first. That is the current  
38 premise and principles that we are following to do this. We have sent, the County has  
39 sent its letter of intent to the State Department of Health and Mental Hygiene that yes  
40 we do wish to participate. We have estimated that we have 7,000 emergency and  
41 critical employees and we are permitted to also purchase medication for their immediate  
42 household members, if someone becomes ill in that condition. So we have made our  
43 estimate in terms of purchasing these anti-virals to the amount of \$126,000. The State  
44 Department of Health and Mental Hygiene has gone through some legal convolutions





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1 and decided that they also wanted a Memorandum of Understanding to be signed by  
2 each participating jurisdiction. We really just got that about a week ago, that it came in.  
3 But yet, we have got to make this purchase before the end of this month. So we really  
4 have to go through some hoops and some heroics to have this MOU signed by the  
5 County so we can go ahead and make this purchase. But that is where we are right now  
6 with this situation. We certainly hope that we will be able to avail ourselves of having  
7 this medication on hand if it is needed. We are told that it will have a seven-year shelf  
8 life. It is possible, of course, that we will not need the medication and that it will expire.  
9 But that is the risk that we have decided is worth taking to make sure that we can  
10 protect our first responders and critical responders if we need it. So that is also an issue  
11 that I wanted you to be aware of. I also wanted to let you know that our Latino Health  
12 Initiative and Latino Health Steering Committee, they have now successfully completed  
13 an update of their blueprint. This has been an 18-month long process in which they  
14 conducted an intensive and extensive process that involves more than 100 community  
15 residents and stakeholders. They did a bunch of, a number of interviews, focus groups,  
16 they had town hall meeting sort of set up in which they brought many people together to  
17 comment on drafts of their blueprint. They now have it published. We actually have  
18 copies that are here that Betty Lamb, who is the Director of our Office of Community  
19 Outreach has brought for each of you so that you may have a copy of it. This is the  
20 blueprint that will guide now the Latino Health Initiative for 2008-2012 . It is an update  
21 on their seven goals that they have. These are strategies and recommendations that  
22 they are providing for the community that will address improving data collection of our  
23 Latino population as well as analysis and reporting, ensuring access to quality health  
24 care, ensuring the availability of culturally appropriate and linguistically appropriate  
25 health services, how to build organizational capacity in the Latino community,  
26 enhancing community participation in decision making around health care and health of  
27 our Latino population, and expanding health promotion and disease prevention and also  
28 increasing the number of Latino health care professionals that are working in the  
29 County. I am sure that many of you are aware of the successes we have been having  
30 with our Latino nursing program to bring more Spanish speaking nurses into the health  
31 care profession who have been trained outside of the country. If you want more  
32 information, our Latino Health Initiative and others are perfectly and they look forward to  
33 be able to give you a fuller update at a later point in time, if you wish that. So that is my  
34 basic report. I know that we are going to be addressing our water main break this  
35 afternoon. My understanding is that is going to be at 3:00. I can talk more of that but I'm  
36 also available to answer questions that you may have in terms of our food service  
37 facility closures, if you like.

38  
39 Council President Knapp,  
40 Turn to the Chair of the HHS Committee for any comments or remarks.

41  
42 Councilmember Leventhal,  
43 No, we've, much of the information about pandemic flu has been presented to us in the  
44 past. We appreciate that the department is continuing its efforts at preparedness. Of



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1 course, we continue to stay in close contact in the HHS Committee with all of the  
2 minority health initiatives. I was very happy to see that this blueprint had been released  
3 for the Latino Health Initiative, there was a lot of work and good effort that went into  
4 pulling it together. So, thank you Dr. Tillman and thank you to the entire Latino Health  
5 Steering Committee.

6  
7 Council President Knapp,  
8 Councilmember Elrich.

9  
10 Councilmember Elrich,  
11 I was wondering, I have gotten presentations from various other groups doing initiatives  
12 and I'm wondering how this dovetails with everything else and how things are  
13 coordinated. You know, are there commonalities that are across the different groups or  
14 are there differences other than the obvious one of language or languages? How do  
15 these pieces all fit together?

16  
17 Ulder Tillman,  
18 That gives me the opportunity, I guess, to reinforce that Director Uma Ahluwalia has  
19 organized the Office of Disparity Reduction in the department in which now the three  
20 initiatives reside. With seeking grant support, she does hope to be able to bring some  
21 staffing to that office so that they can better address evaluation across the three groups  
22 as well as their commonalities and the strategics in, you know, aligning their strategies  
23 in future. Each initiative is actually at a different stage of development with the African  
24 American Health Program being the oldest and the Latino and then the Asian American.  
25 Those program managers as well as the co-chairs of their respective advisory  
26 committees have been meeting really regularly and they do see that there are common  
27 issues that they do want to work on. There are such areas, such as cancer, where they  
28 do already share some common participation with Holy Cross's minority outreach and  
29 technical assistance grant. And they and their health promoters participate in that.  
30 There are some issues, such as childhood asthma that they are interested in and a few  
31 others. Once we get staff support to address how we will evaluate all of the programs  
32 together, and then how to align those commonalities, that will be happening.

33  
34 Councilmember Elrich,  
35 Is that.

36  
37 Ulder Tillman,  
38 The work that has been done in the blueprint has actually been very helpful to the Asian  
39 American group, which is a younger group in following how to do that strategic planning.

40  
41 Councilmember Elrich,  
42 Is there staff attached to the different groups already?

43  
44 Ulder Tillman,



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1 Each group has at least a program manager and actually it is only the Latino Health  
2 Initiative that has more staff than the others. The others, they basically have contractors  
3 that are helping them.

4  
5 Councilmember Elrich,

6 I mean, I just think this is a good opportunity to look for commonalities and joint  
7 direction. I mean, it seems to me we ought to be pursuing the general health initiative.  
8 To the extent that we can coordinate and centralize how we do that, I think that would  
9 be beneficial. I hate to see everything replicated or duplicated when we might have the  
10 opportunity to, I would rather see more money going to delivery of services than more  
11 money going to creation of structural bureaucracy. Just my personal preference.

12  
13 Ulder Tillman,

14 We certainly have the challenge in public health that if you look at the healthy people  
15 2010 goals that are now changing into the healthy people 2020 goals, that we do want  
16 to improve the health across the board in our County and in our nation. We have found,  
17 over time, that we do have to address how to reach the hard-to-reach groups and those  
18 groups that have been marginalized or isolated. And how do we encourage that  
19 community participation so that they can also participate in improvement of their health?  
20 That is really why you see the evolution of the Federal Office of Minority Health and  
21 then, you know, that sort of organization at the state level and then here at the County  
22 as well. There is the goal to improve everyone's health. But we also realize that we have  
23 to tailor our needs to different groups, you know, including such individuals as those  
24 with disabilities.

25  
26 Councilmember Elrich,

27 Tailor our needs or tailor our efforts?

28  
29 Ulder Tillman,

30 Tailor the efforts and to identify what is affecting one group more so than another and  
31 why.

32  
33 Councilmember Elrich,

34 Okay. Okay.

35  
36 Council President Knapp,  
37 Councilmember Leventhal.

38  
39 Councilmember Leventhal,

40 I just wanted to share with Mr. Elrich in response to his questions that in consolidating  
41 these three initiatives in a new Office of Disparities Reduction, Director Ahluwalia and  
42 County Executive Leggett had actually asked us to give them a very senior position to  
43 be the Director of that office. This Council denied that amidst much back and forth with  
44 the Director and with the steering committees of these various health initiatives, we



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1 came to the conclusion that just as you say, adding more management was less of a  
2 priority than concentrating on direct services to needy people. So that we had  
3 disagreements with the Department over that but I think where the Council ended up  
4 was in line with what you're suggesting.

5  
6 Ulder Tillman,

7 I think I should add and emphasize that public health goes beyond direct health care  
8 delivery. For public health, we are aimed, our goal is to improve the health status of all  
9 our residents and in order to do that, there are a number of strategies that one must  
10 address beyond assuring quality health care access. And so that an emphasis of our  
11 minority health initiatives as well as other units in my service area are focusing on what  
12 does one need to do for prevention and health promotion in addition. So that is a key  
13 principle and goal of public health in addition to delivering care.

14  
15 Council President Knapp,  
16 Councilmember Floreen.

17  
18 Councilmember Floreen,

19 Thank you. I have a question about something completely different . I know you know  
20 that there have been concerns raised about the relocation of Adventist Hospital. My  
21 concern in that regard is solely with respect to the County responsibility in dealing with  
22 what some believe is a disproportionate need for emergency health services in the area  
23 of Takoma Park and Silver Spring , more or less, I guess, within the beltway although I  
24 could not swear to what the area would be. I am concerned that the County might be  
25 put in a position of picking up the bill or providing some kind of clinic or something of  
26 that nature to address the need for services in that locale. I am asking about the extent  
27 to which the County is looking at this issue. I know that we, a decision will be made by  
28 the state with respect to a certificate of need. A decision will be made by the Board of  
29 Appeals about the land use stuff. I don't know if we are looking at ourselves in terms of  
30 our capacity to provide, absorb, subsidize the need for emergency medical assistance  
31 within that portion of the County. So, could you tell me if you are giving that any  
32 thought?

33  
34 Ulder Tillman,

35 At this time, Washington Adventist Hospital has not filed a letter of intent for their  
36 relocation although they certainly have had much in the press in the past year that they  
37 do at some point plan to do so. But currently, they do not have a letter of intent on file  
38 with the Maryland Healthcare Commission. I must also remind the Board of Health that  
39 County Council did not go forward with finding supplemental funds to support a  
40 community wide assessment as well as hospital, five hospital assessment of the  
41 concerns that were raised last year. So that there is no funding to support either of  
42 those at this point in time. The Department of Health and Human Services is still trying  
43 to organize our stakeholders and ourselves to address how we can assess the needs of  
44 the County, and I mean, in terms of the broadest sense so that we are looking at



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1 impacts that go beyond our health care system, but also in terms of what the needs are  
2 of various sectors and that would actually go to some of the questions that you have. At  
3 this point in time, we don't have the funds to do much in the way of that. We have been  
4 doing discussions. We have been doing strategies. We just embarked on an internal  
5 assessment of how strong is our local public health system which goes beyond our  
6 Department of Health and Human Services but all of our other hospitals, health care  
7 providers and other stakeholders, our safety net providers. So, in a way, we are  
8 treading water to see what happens next. We do know that we don't have approval of  
9 that RFP that we had drafted and presented to really go forward in any diligent way to  
10 look at some of these impacts of a hospital relocation. That is the best I can tell you at  
11 this point in time.

12  
13 Councilmember Floreen,

14 Yeah. I know that there have been conversations about this issue. I think my concern is  
15 focusing on the specific in this regard. The expectation, obviously the wheels are in  
16 motion for this move. As I recall, the certificate of need process, which is what the state  
17 would be looking at is, what is it 120 day?

18  
19 Ulder Tillman,

20 Minimum of 120 days from once they approve the application.

21  
22 Councilmember Floreen,

23 Once that is, I guess, officially set up for comment and that is their approval. They'll set  
24 it up for approval?

25  
26 Ulder Tillman,

27 Generally.

28  
29 Councilmember Floreen,

30 We've talked about this in the past. I appreciate the desirability of having an overall  
31 system approach. But more focused conversation at this point I think is going to need to  
32 be defined just to make sure that Montgomery County is not put in a position of holding  
33 the bag for this, in this particular community. I remember we had someone from the  
34 Healthcare Commission here, I think it was about a year ago, wasn't it, where we talked  
35 about the process and the kinds of information where local government could be most  
36 useful in contributing to that process. I must say that I know the Committee has looked  
37 at this periodically over time and there have been different views about how to skin the  
38 cat here. As I said, we have put resources into Montgomery College to support some  
39 clinic activity with cooperation of other players. And I think we're going to need to be in a  
40 position to assess if that funding approach or something else might be necessitated by  
41 what occurs or at least bring that to the state's attention in some way so that they  
42 appreciate what we perceive as a need we stepped up to the plate in concert with  
43 different players in this location already. I'm not sure what our long term plan is in that  
44 regard. But I would think that you must be worrying about how that obligation might



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1 change, particularly in light of the fiscal situation and our inability to fund everything. I  
2 suspect next year, our budget conversations will be far more difficult, frankly, than they  
3 were this year. That does not bode well for the uninsured or people who need  
4 emergency medical assistance.

5  
6 Ulder Tillman,

7 And as I said, it was more than a year ago that the Department presented to County  
8 Council a request for expressions of interest. We did that. We had a list of potential  
9 vendors who could be consultants, could address the hospital concerns as well as the  
10 community wide assessment process. It was bifurcated into those two areas. County  
11 Council chose not to go forward with the resolution addressing what would be the next  
12 steps. That was really left with the County Council in terms of what to do next about that  
13 issue. My concern, I do have a number of concerns in terms of our changing healthcare  
14 system and my concern right now that with one hospital intent on relocating will place a  
15 greater burden on Holy Cross Hospital that will be left in that area to absorb a lot of that  
16 impact. We have not gone further in terms of what will be our contingency planning  
17 around that. I agree with you. It is an issue that will continue to haunt us right to the  
18 point and beyond when Washington Adventist does file their intent to relocate.

19  
20 Councilmember Floreen,

21 Once that intent is filed, is that when the County would start creating a contingency  
22 plan? It would seem to me you would want to at least bring that to the attention of the  
23 state.

24  
25 Ulder Tillman,

26 My recommendation had been for us to do it before that point in time.

27  
28 Councilmember Floreen,

29 Yeah. Yeah.

30  
31 Ulder Tillman,

32 Now we will be in the situation that the health, HHS will receive all copies of the  
33 applications and the discussions. We will have an opportunity to participate to the extent  
34 that we desire. It will be largely a state review and analysis of those impacts.

35  
36 Councilmember Floreen,

37 Well, you're planning to participate in some way?

38  
39 Ulder Tillman,

40 Yes, but at this point in time it could be as minimal as just simply reviewing the  
41 application and the information that is sent to us.

42  
43 Councilmember Floreen,

44 Uh.



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1  
2 Ulder Tillman,  
3 We're not required to provide a comment.

4  
5 Councilmember Floreen,  
6 Well, but if we don't say something Montgomery County may face a large bill in some  
7 respect if we haven't figured out what it means for us.

8  
9 Ulder Tillman,  
10 And I cannot predict that.

11  
12 Councilmember Floreen,  
13 How much, well, I think that I would think this is something we need to continue to keep  
14 on our radar screen. Maybe there's a reduced kind of study that could occur, gosh, I  
15 don't know why it has to be so expensive to at least worry about this in a way that is  
16 helpful to the state and doesn't duplicate what they do. I know that there, I don't know  
17 much about the certificate of need process except that they assess need in some way  
18 and they're going to assess the service and bed relocation impacts in some way and  
19 that's like the extent of my detailed knowledge. Will they look at burden on local  
20 government as part of that certificate?

21  
22 Ulder Tillman,  
23 They have some six criteria that they will review in the application one of which is the  
24 impact on other health care providers, other hospitals, other local providers. Those six  
25 criteria really don't go to what would be the impact of the local government itself from  
26 the change, so that's not really included. That would be something that we would  
27 separately have to try to analyze.

28  
29 Councilmember Floreen,  
30 Okay. Well, I would ask that you and the County Executive give some attention to  
31 whether this has the impact to affect our fiscal bottom line. I think that is my concern. I  
32 know that Holy Cross has its own concerns and maybe they're going to look to us to  
33 underwrite the solution that they may be required to provide. Maybe Adventist is going  
34 to leave facilities in place that will take care of the problem. I just don't know and I think  
35 that we would want to know how we can best protect Montgomery County from  
36 additional demands in this regard and bring that to the attention to the state of Maryland  
37 in their assessment. Okay. Well, I guess we'll keep talking.

38  
39 Council President Knapp,  
40 Okay.

41  
42 Councilmember Floreen,  
43 Thank you.



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1 Council President Knapp,

2 This is obviously a topic that has engendered a great deal of conversation to this point  
3 and since it's been raised by Ms. Floreen we have three Councilmembers that want to  
4 comment on it. We have the Planning Board that is downstairs now and we have five  
5 pieces of legislation that we still have to address. So, I put that out there as a preface. I  
6 will, I know people want to comment on this, I think we have one other comment outside  
7 of this topic, so we've got about five minutes left with Dr. Tillman then we've got to turn  
8 over to legislation. So, Councilmember Leventhal, and if we need to, then we can bring  
9 this back as a separate topic as we have in the past but we don't have time this morning  
10 to get into a long detailed conversation as to relocation of Adventist and impact on Holy  
11 Cross. I mean, we've had, I think at least four Council discussions about this already  
12 and I'm sure we still have more so if we need a longer conversation we'll schedule it,  
13 but this morning isn't the time to have it.

14  
15 Councilmember Leventhal,

16 Okay. Thank you. For those who don't know the background, I appreciate that Dr.  
17 Tillman is in a somewhat precarious, she needs to be diplomatic here, but I do not  
18 appreciate Dr. Tillman's comment that it was the County Council that failed to pursue  
19 this matter since it is the County Executive who has taken absolutely no interest  
20 whatsoever, has never expressed the slightest support whatsoever in assembling any  
21 data or any planning capacity whatsoever to assess the impact on the Washington  
22 Adventist neighborhood of Washington Adventist leaving. The County Executive has not  
23 suggested the expenditure of one dollar for that purpose. It was not included in his  
24 budget. He is not in favor of finding out at the County level what will happen when  
25 Washington Adventist moves and his position has been that is a state responsibility,  
26 that is the responsibility of the Maryland Hospital Commission. So, when Dr. Tillman  
27 says it was the County Council that failed to act on the request for expression of interest  
28 that was issued, when the Council insisted that the Department issue it, it is the County  
29 Executive who failed to recommend one dollar or any further action whatsoever in  
30 assessing the public health impact of the hospital's moves. Let's be very clear on that. It  
31 is not the case. And neither did the Department ever suggest because the Department  
32 works for the County Executive. The Department never suggested that any further steps  
33 should be taken, that, and I know you have your own views Dr. Tillman, and I'm sure  
34 you made recommendations within the system, but to say that it is the County Council  
35 that failed to act to assemble what I believe, and I guess I share with Ms. Floreen is  
36 needed information, it is indeed the Executive Branch that failed to act. And so where  
37 we are now is we have no information, we have no independent assessment of what the  
38 effect will be on Holy Cross or the rest of the community. Some members of the Council  
39 expressed opposition to assembling that information and we have no information, and  
40 we have no planning capacity, and that, I don't think, is laid at the feet of the County  
41 Council. I think all of County government and I agree with the general thrust of Ms.  
42 Floreen's comments, is going to find that we are in a situation that we will have to deal  
43 with that we did not anticipate and that we did not plan for at the explicit decision of the  
44 County Executive who decided that planning for those needs and planning for that





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1 situation was not something County government ought to do and that we ought to rely  
2 on the Maryland Hospital Commission to do its review.

3  
4 Unidentified  
5 Thank you.

6  
7 Council President Knapp,  
8 Councilmember Trachtenberg.

9  
10 Councilmember Trachtenberg,  
11 Thank you President Knapp. Before I just make some brief remarks, a point of personal  
12 privilege, which is to add my name in support of the Minutes and also the Consent  
13 Calendar from this morning.

14  
15 Council President Knapp,  
16 Without objection.

17  
18 Councilmember Trachtenberg,  
19 I, in listening to this with great interest and while I was up in Boston I had the  
20 opportunity to meet with a friend who is about to have a journal article published  
21 specifically one about jurisdictions and the fact that because of changing fiscal times  
22 more and more of a burden is being placed on local public health departments as well  
23 as emergency rooms and I know that article is about to be published in a very well  
24 thought of journal and I'm hopeful that we'll use it as a basis for some future  
25 conversations. Because there is certainly reason to be concerned about what is  
26 evolving here in the County. Clearly the closing of the hospital is one thing but the  
27 growing need of the uninsured and the working poor is the other part of it and there is  
28 no doubt that a needs assessment would be useful and that a strategy developed  
29 around that is what is needed. I also would submit to my colleagues that having a  
30 strategy around state funding for the next legislative year is also something that we  
31 really need to work on in a collaborative way. And it would seem to me that having  
32 some conversations with both the Executive and the State Delegation sooner rather  
33 than later would be in order so it's with that in mind that I would respectfully suggest that  
34 perhaps it's time George to have a conversation within HHS in September where we  
35 can talk about everything that I've raised and that Ms. Floreen and even  
36 Councilmember Leventhal have raised this morning. But I don't believe that the decision  
37 last year was made by the Executive Branch because there was no desire to develop a  
38 strategy. I think there were a lot of elements involved. One being money, the other  
39 being the fact that we had a new Director in place and I think it was the Executive's  
40 position that he needed to have her get her feet planted before sweeping reform or  
41 systemic change was going to happen. And I think now is the time given that we have  
42 fiscal constraints, now is the time to move forward with the strategies, so I'd like to see  
43 us in September have a good dialogue about this and hopefully by then, the article that I  
44 refer to will be available for that purpose.



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1  
2 Council President Knapp,  
3 Councilmember Elrich.

4  
5 Councilmember Elrich,

6 I'd like to have this discussion more fully but I guess my baseline concern is that this  
7 really isn't about impact on County budget. It's really the issue that was raised and I  
8 think when I was first on the Council I asked the Fire Chief who runs the emergency  
9 ambulances what he thought the effect of the closure of the emergency room at  
10 Adventist would be and he said it would be a disaster, were his words, and that the  
11 issue is fundamentally that both hospitals face about ten days a month of eight-hour  
12 closures, routinely. And that both hospitals sit very close to that closure borderline  
13 many, many other days. And that the removal of Adventist as an emergency care place  
14 to take people for our first responders to take people, would fundamentally overload  
15 Holy Cross and you could be facing eight-hour closures more than ten days a month.  
16 And that's kind of the core issue. I mean, most people don't care about where the long  
17 term beds are located because I think, most of us have lost control over what hospital  
18 they go to anyway. Our insurance companies tell us what hospitals we're going to go to  
19 and it's really that emergency room which provides unnecessary emergency care to  
20 people who really need urgent care and other kinds of assistance and also is where we  
21 need to be able to take people in the case of real emergencies, that is the core issue  
22 here. And I think that the suggestion that we do County wide studies and needs  
23 assessment of everything is way overblown to this particular problem and what we  
24 ought to do is look at what happens if Adventist moves. What is the impact of removal of  
25 that emergency room? Where are those calls most likely going to be dispersed? And I  
26 can tell you, Adventist already has lots of data on where the calls, where their patients  
27 come from and what they do. And I don't think this would be overly difficult to do that  
28 study. In my conversations with both Adventist and Holy Cross indicate that A, the  
29 concern isn't so broad that it's opposition to move altogether on the one hospital's part,  
30 and from Adventist's point of view, it's not that they're averse to trying to find a solution.  
31 I mean, there are problems with both the state law and federal law that have blocked  
32 Adventist for example from being able to open up a second emergency room like they  
33 did in Shady Grove. You know, that they're very nice, separate facility they provided up  
34 there. The state doesn't like those facilities for some odd reason. The state doesn't  
35 want.

36  
37 Councilmember Leventhal,  
38 You mean the one in Germantown?

39  
40 Councilmember Elrich,

41 Yeah. Germantown. Yeah. And that's a problem because that would go a long way to  
42 addressing what Shady Grove, what Adventist thinks they could do in Takoma Park if  
43 they could either get clearance from the state or the feds to be able to do that. So I think  
44 understanding what the impact of the loss of the emergency room is critical. That's the



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1 community issue for people who don't, you know, who have health disparities, the  
2 fundamental health disparity is, I don't have insurance so I go to the emergency room.  
3 That's where it plays out. I think we ought to study that discreet issue. We ought to look  
4 at what happens here and that ought to be our contribution to the certificate of need and  
5 I think if we start in September, you could do a small discreet study, and I'm sure lots of  
6 people would participate cooperatively to get us that information and we can weigh in on  
7 the CON in an appropriate timeframe. I think that, I'm not interested in studying what  
8 everybody in Montgomery County needs in health care because we're not going to meet  
9 those needs anyway. We can't even expand the program that, you know, that you've  
10 sponsored George. You know, we struggle to make that bigger. God knows we're not  
11 going to be able to take care of all the needs of the County.

12  
13 Council President Knapp,

14 Okay. I will consult with Chair of the HHS Committee and others to see if we want to do  
15 it through the Committee or if we want to come back to full Council discussion. But  
16 clearly, there is interest on the part of a majority of the Council to get this issue back in  
17 front of us, so we'll get this issue back in front of us. Further questions for Dr. Tillman?  
18 Seeing none. Thank you very much and we'll see you back here in a few hours. Thank  
19 you. Okay. We now turn to Legislative Session, day number 20. Call of Bills for Final  
20 Reading, or actually Madam Clerk, we have a Legislative Journal from May 14th and  
21 May 22nd.

22  
23 Council Clerk,  
24 Yes.

25  
26 Council President Knapp,  
27 Is that correct? Is there a motion?

28  
29 Councilmember Floreen,  
30 Move approval. [multiple speakers]. Everybody.

31  
32 Council President Knapp,  
33 Everybody seconded. Moved by Councilmember Floreen, seconded by everybody else.  
34 Any discussion on the Legislative Journal? Seeing none. All in support indicate by  
35 raising your hand. That is unanimous. Thank you very much. We now have Call of Bills  
36 for Final Reading. These are all, all are MFP. I would turn to the Chair of the MFP  
37 Committee, Councilmember Trachtenberg.

38  
39 Councilmember Trachtenberg,  
40 Thank you President Knapp. We'll start with the first Bill that's on the Agenda, Bill 13-08  
41 Taxation - Arts and Entertainment District - Property Tax Credits. Basically, the Bill  
42 would amend the law providing a Property Tax Credit in Arts and Entertainment  
43 Districts, again, to conform to state law. The largest tax credit expected under the Bill,  
44 almost \$800,000 over ten years would apply to the Silver Spring Music Hall and the



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1 recommendation of the MFP Committee was to approve the Bill as provided by the  
2 Council President. And I would ask my colleagues to agree with that recommendation.

3  
4 Council President Knapp,  
5 Okay. We have before us Bill 13-08 with a Committee recommendation for approval. Is  
6 there discussion on Bill 13-08?

7  
8 Councilmember Elrich,  
9 I just have a quick question.

10  
11 Council President Knapp,  
12 Councilmember Elrich.

13  
14 Councilmember Elrich,  
15 When the Executive produced his financial analysis of the benefits of the Music Hall, he  
16 presented an analysis that included all of the tax money that the County would get. So,  
17 how does the tax abatement fit with all the tax money we're going to get? Anybody from  
18 the Executive staff who can answer that question?

19  
20 Councilmember Trachtenberg,  
21 Alex is here but I don't know that Alex is wanting to come up, but he is.

22  
23 Council President Knapp,  
24 It looks like he drew the.

25  
26 Councilmember Trachtenberg,  
27 Or is he leaving?

28  
29 Council President Knapp,  
30 It looks like he drew the short straw.

31  
32 Councilmember Trachtenberg,  
33 He's getting smart. He's leaving.

34  
35 Council President Knapp,  
36 Mr. Espinosa, please come join us. Welcome.

37  
38 Alex Espinosa,  
39 Good morning. I think what I can do is consult with our Department of Finance who put  
40 together those estimates as well as the information on the fiscal impact statement and  
41 try to get you an answer on how those two fit together. If that's acceptable. I'm not sure.

42  
43 Councilmember Elrich,



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1 Then I would like to defer action on this until I know whether that which you gave us in  
2 one presentation is being taken away here.

3  
4 Alex Espinosa,  
5 Well, I think the one Bill that's before you is specifically related to a tax credit based on  
6 certain eligibility requirements and that would happen under the terms of the legislation.  
7 I think the other information pertains to overall development of a project and the benefits  
8 that accrue to that project which would occur by virtue of that project being  
9 implemented.

10  
11 Council President Knapp,  
12 Okay. Councilmember Berliner, then Councilmember Leventhal.

13  
14 Councilmember Berliner,  
15 Well, just to follow up sir, this is, as I understood the Committee analysis and what, the  
16 document we have before us suggests that this will be, LiveNation would be the  
17 beneficiary of \$800,000 worth of tax credits if we approve this. And I believe the  
18 question is, was that contemplated at the time that this deal was presented to us and if  
19 not, is this additive to the benefits that would otherwise accrue to this organization?

20  
21 Alex Espinosa,  
22 I can't answer that question.

23  
24 Councilmember Berliner,  
25 Okay. I would ask the Committee Chair if that's all right. There's some of us that have  
26 had misgivings with.

27  
28 Councilmember Trachtenberg,  
29 Okay.

30  
31 Councilmember Berliner,  
32 Respect to this matter.

33  
34 Councilmember Trachtenberg,  
35 Well.

36  
37 Council President Knapp,  
38 Well, I think, given this, I think we would probably defer, but let me just get to  
39 Councilmember Leventhal's question and just, and then we'll go back and.

40  
41 Councilmember Trachtenberg,  
42 Okay. You know.

43  
44 Council President Knapp,



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1 Hold on, hold on. Councilmember Leventhal.

2  
3 Councilmember Trachtenberg,  
4 Okay.

5  
6 Councilmember Leventhal,  
7 I do not have a question. It seems that Mr. Elrich's question is reasonable and germane  
8 and so.

9  
10 Council President Knapp,  
11 Yeah.

12  
13 Councilmember Leventhal,  
14 If Mr., if the Committee Chair were to be willing to postpone the Committee's  
15 recommendation, that would be one option. Another option would be that Mr. Elrich  
16 could move to table to a date certain, even as short as one week, until we had that  
17 information, it seems a useful and helpful question to ask. So, Mr. Elrich, does have it in  
18 his power to control the timing of this matter if he wished to make such a motion.

19  
20 Council President Knapp,  
21 I would just.

22  
23 Councilmember Leventhal,  
24 I would second it, perhaps Mr. Berliner would.

25  
26 Council President Knapp,  
27 I would just recommend deferral until next week until we get the information.

28  
29 Councilmember Trachtenberg,  
30 Right.

31  
32 Council President Knapp,  
33 Do you think we can get that in that amount of time?

34  
35 Councilmember Trachtenberg,  
36 Well, that's actually what I was going to.

37  
38 Council President Knapp,  
39 Okay.

40  
41 Councilmember Trachtenberg,  
42 That was what I was going to suggest.

43  
44 Council President Knapp,



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1 Good. Let's do that.

2  
3 Councilmember Trachtenberg,

4 And what I would respond, my response to both Marc and Roger is simply that when we  
5 first talked about LiveNation we talked about the credit in the general way, and my  
6 understanding when this Bill was introduced and discussed within Committee was that  
7 this was the approximate number that was provided to us so it didn't seem like it didn't  
8 jive. It seemed like it fit what had already been discussed with us, but I'm certainly  
9 willing to defer to a colleague for a discussion on, over the next week and I think what  
10 we would ask Alex is that we get the information by the end of the week so it's actually  
11 provided in this weekend's packet so that we can actually take this up again next week.

12  
13 Councilmember Elrich,

14 I just want to make sure it's not morphing before our eyes. Well, that's why I'm asking  
15 for it.

16  
17 Council President Knapp,  
18 Right.

19  
20 Councilmember Trachtenberg,  
21 By Friday.

22  
23 Council President Knapp,  
24 Okay.

25  
26 Councilmember Trachtenberg,  
27 So that we have it.

28  
29 Council President Knapp,  
30 So we're deferring action on Bill 13-08 until next, well, pending information, presumably  
31 we'll get it at the end of the week and then we'll address it next week. Okay.

32  
33 Councilmember Trachtenberg,  
34 Okay.

35  
36 Council President Knapp,  
37 Moving right along.

38  
39 Councilmember Trachtenberg,  
40 We'll move to Expedited Bill 6-08 Personnel - Retirement – Amendments. This is a Bill  
41 that indeed has generated a lot of conversation, not just within the MFP Committee, but  
42 here within the full Council. The Bill as provided to us had three elements in it. One was  
43 to require the County to make employee contributions for an employee who returns to  
44 County employment from military service. Also the Bill would increase the employee



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1 and employer contributions to the retirement savings plan, again, specifically for Group  
2 One members. The pesky element of the Bill that's generated all the conversation is the  
3 item that refers directly to the structure of the Board of Investment Trustees. And at this  
4 time, it would be the recommendation of the full Committee, again, different than the 2-1  
5 recommendation that had been provided in the packet. But the recommendation as of  
6 this afternoon practically, at 11:45, is that we would like to take two elements of the Bill  
7 again, specific to the military service and also to the retirement savings plan, and  
8 introduce at this time, a new Bill, in other words, what we're going to do is separate out  
9 the Board of Investment Trustee item because we'd like to defer that for decision  
10 making at this time, for a number of reasons. When we discussed this within MFP last  
11 week, I had asked for additional time simply because I wanted to have an analysis of  
12 what other jurisdictions did and I think that would benefit this body but I also think at this  
13 time, there is clear consensus that we'd also like to have input on efficiencies and  
14 accountability features of the structure of the Board. And we might even want to have  
15 an outside party talk to us about both those elements. And we'd like to give ourselves  
16 some time to work with the Executive Branch to make all of that happen. I want to thank  
17 the Council President who, in my absence, worked with staff to draft a new Bill which  
18 you have before you, which is coming down to you at this time. But I would ask my  
19 colleagues to consider doing this because in this sense, what we can do is we can  
20 move forward on the elements that we agreed to that are not controversial and again,  
21 remove the one item on the Board of Investment Trustees with the commitment, and  
22 obviously, the intention of addressing the formulation of the Board over the next few  
23 months.

24  
25 Council President Knapp,  
26 Okay.

27  
28 Councilmember Trachtenberg,  
29 Or weeks.

30  
31 Council President Knapp,  
32 So, we have before us for introduction then, Bill 26-08 which is an Expedited Bill. And  
33 so, as an Expedited Bill we can do, because we have to address these issues.

34  
35 Michael Faden,  
36 You could schedule a hearing and Action if you would like, on this Bill next week.

37  
38 Council President Knapp,  
39 Okay. Let's go ahead and do that. Move forward with that, so, and we'll defer. Okay.

40  
41 Councilmember Trachtenberg,  
42 Okay.

43  
44 Council President Knapp,





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1 Sounds good.

2  
3 Councilmember Trachtenberg,  
4 Sounds good.

5  
6 Council President Knapp,  
7 So, now we move to Expedited Bill 7-08.

8  
9 Councilmember Trachtenberg,  
10 Which is Personnel - Retirement - Group F, Mandatory Retirement. And I'm going to be  
11 passing down to you a memo from Mr. Adler from OHR. This is a technical amendment  
12 that's being provided to us on Expedited Bill 7-08. Basically Bill 7-08 would implement a  
13 retirement law change as negotiated by the Executive and the Fraternal Order of Police.  
14 The Bill would shorten notice that a member must give the County to retire. It would also  
15 eliminate the mandatory retirement age for all members and reestablish the  
16 discontinued retirement service program. It would change the formula for calculating the  
17 pension amount of a Group F member who retires on a normal retirement by increasing  
18 the maximum number of years of credited service and the maximum benefit with sick  
19 leave credits. So again, the recommendation of the Committee is to enact the Expedited  
20 Bill with some technical amendments. The amendment that is before you has not been  
21 discussed by the Committee so it's not part of the original Committee recommendation.  
22 So, at this time, you have a recommendation to support what's in the packet and we're  
23 asking, I am asking for additional consideration of this amendment at this time or we  
24 can defer it to next week.

25  
26 Council President Knapp,  
27 Let me just.

28  
29 Councilmember Trachtenberg,  
30 I'll agree to, you know, whatever the will of the body is at this point.

31  
32 Council President Knapp,  
33 Let's see if the Committee members have any perspective. Okay.

34  
35 Councilmember Trachtenberg,  
36 Any over here? Okay.

37  
38 Council President Knapp,  
39 Okay. Comments by, question by Council Vice-President Andrews.

40  
41 Councilmember Andrews,  
42 Thank you. Well, I wanted to ask our staff for any comments they have on the  
43 amendment, what they think the impact would be.



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1 Bob Drummer,

2 The amendment would eliminate some language that is in the Bill on lines 114 and 115  
3 which permits purchase of service credits for periods of leave without pay. The current  
4 language limits that to leave without pay that's unrelated to disciplinary action.

5 Eliminating the language unrelated to disciplinary action would permit a Group F  
6 member to purchase service credits for time where they were on leave without pay due  
7 to a disciplinary action.

8  
9 Councilmember Trachtenberg,

10 Okay. Again, I think it's important to note in the memo that's been circulated that the  
11 exclusion that we're discussing right now was actually never discussed or agreed to by  
12 the parties during the collective bargaining process and was inadvertently included in  
13 the Bill.

14  
15 Council President Knapp,  
16 Councilmember.

17  
18 Councilmember Andrews,  
19 I'm thinking about it.

20  
21 Council President Knapp,  
22 Okay. Councilmember Ervin.

23  
24 Councilmember Ervin,  
25 Thank you. My question really has to do again with the bargaining of the contract and  
26 where and how was this dealt with in that context.

27  
28 Michael Faden,  
29 Why don't we ask Office of Human Resources staff to speak to that.

30  
31 Council President Knapp,  
32 Yeah.

33  
34  
35 Sara Miller,

36 Hi. Sara Miller, Office of Human Resources, Chief Negotiator. During the context, during  
37 bargaining, when we discussed this purchase of time for leave without pay, we didn't  
38 discuss it, we didn't put any sort of limitation on it. This language was inadvertently  
39 inserted into the Bill. What I would like to note for you is that there is no fiscal impact to  
40 the County on this because the member purchasing this time will be paying for it at the  
41 true actuarial cost to the plan. So there is no fiscal impact to it. Additionally, this was the  
42 subject of an interest arbitration award and this language unrelated to disciplinary action  
43 was not included in the award. No, it was not supposed to have been. It inadvertently  
44 was inserted into the Bill. It was a problem on our side of the street.



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1  
2 Michael Faden,  
3 As we received the Bill from the Executive Branch.

4  
5 Sara Miller,  
6 Yes.

7  
8 Michael Faden,  
9 This language was included.

10  
11 Council President Knapp,  
12 Councilmember Berliner.

13  
14 Councilmember Berliner,  
15 I'm just curious as to, I appreciate this wasn't, this was a mistake and I appreciate that it  
16 wasn't bargained for and I'm trying to understand the public policy implications with  
17 respect to this language, because when I look at it without knowing the public policy  
18 implications, I'm looking at what I seem to understand to be that if somebody was in fact  
19 on leave without pay due to a disciplinary action, that we would be providing some  
20 benefit to that individual or the ability to obtain some benefit. So my question really goes  
21 to the public policy implications with respect to this inadvertent or otherwise, that now  
22 we're in the position of having to strike something that I just don't understand whether or  
23 not as a matter of public policy we want to be doing this. So could you enlighten us at all  
24 with respect to that question?

25  
26 Sara Miller,  
27 Certainly. Again, going back to bargaining and going back to what the intention of this  
28 provision was, we did not, the County was not providing any sort of fiscal benefit to any  
29 member of the bargaining unit by negotiating this provision or, or actually it was  
30 awarded by the arbitrator, because the member has to pay the full actuarial cost of this  
31 additional time, there is no fiscal impact on the County.

32  
33 Councilmember Berliner,  
34 Right.

35  
36 Michael Faden,  
37 But you are, we.

38  
39 Councilmember Berliner,  
40 I'm sorry, we're talking past each other a little. I do get that it has no fiscal impact.  
41 You've said that several times. I'm asking a somewhat different question so perhaps.

42  
43 Michael Faden,



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1 Staff would agree with you that it is a policy question, that it does provide a benefit to  
2 the Group F member who is on leave without pay for disciplinary reasons. We would  
3 note that it is for up to one year as provided here but it still allows that person who  
4 otherwise would not be able to buy back the service credit, to do so. And the question is  
5 do you want to allow persons in that circumstance to buy back.

6  
7 Council President Knapp,  
8 Technical question though. Can, I understand that we can legally not approve  
9 something or take something out, is effectively we would be putting something in that  
10 wasn't negotiated, can we, as the Council actually do that?

11  
12 Michael Faden,  
13 Yes.

14  
15 Council President Knapp,  
16 Councilmember Leventhal.

17  
18 Councilmember Leventhal,  
19 I guess I just want to amplify the point that Mr. Berliner made. I mean, we're operating  
20 here with a lack of understanding of the basic effects of what we're voting on, so, you  
21 know, we need a broader discussion, clearly, about exactly what are our obligations  
22 under law when very complex items are negotiated. Do we have to take them up at all?  
23 And then if, you know, if in this case a mistake was made, so now it's our job to correct  
24 the Executive Branch's mistake. Why was the mistake made? Was there someone on  
25 the Executive Branch drafting this who intended it, who thought, well of course someone  
26 who's under disciplinary action should not get this benefit, and then it was brought to  
27 their attention that that wasn't subject to negotiations? Is the Executive Branch  
28 conceding that it made a mistake? Does the Executive Branch believe this is good  
29 policy? It's the same questions that Mr. Berliner has. If we're not in a position to cast a  
30 well informed vote, I'd just as soon table the whole matter until we're in a position to  
31 make a well informed vote.

32  
33 Council President Knapp,  
34 I would agree. I would turn back to the MFP Committee Chair to make such a.

35  
36 Councilmember Trachtenberg,  
37 Well, I suggested in my opening remarks, George, that I would defer to the will of the  
38 body and I definitely would agree with you, in fact, I, as many of you know, was out of  
39 town starting the end of last week to deal with a family obligation up in Boston, and this  
40 was hand delivered, the amendment that you have before you, the end of the week, but  
41 I honestly did not see it and it was not discussed within the MFP Committee. Obviously  
42 we had only met last Monday. So I would recommend and make the motion to my  
43 colleagues that we defer judgment on this Bill for today and I would ask for a further



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1 dialogue to occur next Monday during the MFP session which is already scheduled at  
2 2:00 p.m.

3  
4 Council President Knapp,  
5 Okay.

6  
7 Councilmember Trachtenberg,  
8 But this is not the first time, and I feel obligated to say this, not specific to FOP, but I can  
9 sense some frustration on the dais this morning about this, but I feel obligated to  
10 indicate that I have frustration in this as the Committee of the MFP Chair. I constantly  
11 am looking at these Bills with other things coming to me, either in between my  
12 worksession and a public hearing, and it would seem to me that in this case, as with all  
13 the Bills, that were really provided as a package, they're nothing more than  
14 implementation of what we agreed to as policy during the budget discussion and there's  
15 been more than ample time in the last few weeks to really work constructively with the  
16 Committee that I Chair and also with this Council. So, let's have a discussion on this  
17 Monday.

18  
19 Councilmember Elrich,  
20 Can I get some clarification?

21  
22 Council President Knapp,  
23 Okay.

24  
25 Councilmember Elrich,  
26 I just, one of the things I'd like you to clarify is the definition of a disciplinary action.  
27 Because I know that, for example, if there's a shooting, that people are often put on,  
28 what is it?

29  
30 Council President Knapp,  
31 Okay.

32  
33 Councilmember Elrich,  
34 You could be put on leave without pay.

35  
36 Council President Knapp,  
37 Okay.

38  
39 Councilmember Elrich,  
40 Do you have to have a finding that somebody did something wrong to be on leave  
41 without pay or can that also be just a routine, you know, can it just be the, you know,  
42 part of the process?

43  
44 Council President Knapp,



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1 Okay. What I would ask is this, because I think it's a very good question, but in light of  
2 the fact that we're going to defer. No. Okay. What I would suggest then is, to the extent  
3 that Councilmembers have questions, to get them to the MFP Committee Chair and, so  
4 they can be taken up on Monday, so when we come back next Tuesday we can  
5 address it. I guess my question right now for the MFP Committee Chair, since we're  
6 coming back on three Bills.

7  
8 Councilmember Trachtenberg,  
9 Right.

10  
11 Council President Knapp,  
12 Do we want to.

13  
14 Councilmember Trachtenberg,  
15 And we also have another Bill coming.

16  
17 Council President Knapp,  
18 Well then.

19  
20 Councilmember Trachtenberg,  
21 Firefighter Bill around disability.

22  
23 Council President Knapp,  
24 Okay.

25  
26 Councilmember Trachtenberg,  
27 So, but what I would tell you is that the last three, I do not believe have controversy. Bill  
28 9-08, can we move on to that?

29  
30 Council President Knapp,  
31 Let's. On which?

32  
33 Councilmember Floreen,  
34 This last issue.

35  
36 Council President Knapp,  
37 On which Bill? 9-08 or 7-08.

38  
39 Councilmember Floreen,  
40 7-08.

41  
42 Council President Knapp,  
43 Well let's, if you have questions, then get them to the Committee Chair. We don't need  
44 to raise them today.



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Councilmember Floreen,

I have an issue with what was said by the staff. I just wanted to say, I'm no expert in collective bargaining and I freely admit that, but it seems to me, if you're talking about the ability to get credit for service, which will translate into, I guess, pension benefits, or something else, there is a fiscal element to all of this. So I wanted to make that point.

Council President Knapp,  
Okay.

Councilmember Floreen,

Before you go back and sort of turn over the terms of who shot John here, in terms of how this could be.

Council President Knapp,  
Okay. Further comments.

Councilmember Floreen,  
Inadvertent.

Council President Knapp,  
Further comments on the Bill that we're deferring. Councilmember Ervin.

Councilmember Ervin,

I never got to ask my follow up question and it's actually more of a comment because all of this is indicative of something very wrong with this process. So, as the County Executive and his team have spent countless months in bargaining over very, very specific items that we're now being asked to make quick judgments, these are very serious conversations and they take a long time. So the Chair of the MFP Committee, I would hope that since this is coming back to our Committee, are we going to then engage, renegotiate items that were already negotiated by the Executive Branch? Because that's pretty much what we're being asked to do. So we can't begin to take these things piecemeal without looking at the entire bargaining that went on for close to a year, that's how they got to the items that they got to. So now, we're in a position to second guess and redo it all. So we're in a redo moment right now. Let's just go right back into bargaining. We might as well sort of figure out how we as a Council now sit also as the second tier of collective bargaining in the County, because that's pretty much what we're being asked to do.

Council President Knapp,  
Okay. Final comment on this Bill that we're deferring. Council Vice-President Andrews.

Councilmember Andrews,



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1 Finally. Thanks. Yeah. This does not certainly appear to be a technical amendment. It's  
2 described that way and I think there are clear policy issues here.

3  
4 Councilmember Trachtenberg,  
5 I would agree.

6  
7 Councilmember Andrews,  
8 Which is why this needs to go back and we do need to give careful review to whatever  
9 comes over here. We don't bargain the agreements, but we're responsible for deciding  
10 whether to approve them and so we owe them careful attention.

11  
12 Council President Knapp,  
13 Okay. I guess I would just voice my concern as well that there has been a lot of  
14 discussion about most of the benefits packages since the middle of April, and so to  
15 come back at the last minute with change at this point, and I don't know where to point a  
16 finger, and I'm not sure it's worthwhile to point a finger other than the fact that we got to  
17 learn from this one folks and make sure we're not doing this on the fly because this  
18 doesn't make any sense. So, okay. So, we've now deferred three. Can we get  
19 Expedited Bill 9-08 Personnel - Fire and Rescue Volunteers - Death Benefit.

20  
21 Councilmember Trachtenberg,  
22 And Death Benefit.

23  
24 Council President Knapp,  
25 The Committee recommends approval.

26  
27 Councilmember Trachtenberg,  
28 Bill 9-08 would permit a Fire and Rescue Department volunteer to designate a  
29 beneficiary to receive the volunteer's death benefit payment. And it was the  
30 recommendation of the Committee to enact as introduced.

31  
32 Council President Knapp,  
33 Okay. Is there a discussion on Expedited Bill 9-08? Okay. Seeing no discussion,  
34 Madam Clerk, if you would call the roll.

35  
36 Council Clerk,  
37 Mr. Elrich.

38  
39 Councilmember Elrich,  
40 Yes.

41  
42 Council Clerk,  
43 Mr. Praisner.





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1 Councilmember Praisner,  
2 Yes.  
3  
4 Council Clerk,  
5 Ms. Trachtenberg.  
6  
7 Councilmember Trachtenberg,  
8 Yes.  
9  
10 Council Clerk,  
11 Ms. Floreen.  
12  
13 Councilmember Floreen,  
14 Yes.  
15  
16 Council Clerk,  
17 Mr. Leventhal.  
18  
19 Councilmember Leventhal,  
20 Yes.  
21  
22 Council Clerk,  
23 Ms. Ervin.  
24  
25 Councilmember Ervin,  
26 Yes.  
27  
28 Council Clerk,  
29 Mr. Berliner.  
30  
31 Councilmember Berliner,  
32 Yes.  
33  
34 Council Clerk,  
35 Mr. Andrews.  
36  
37 Councilmember Andrews,  
38 Yes.  
39  
40 Council Clerk,  
41 Mr. Knapp.  
42  
43 Council President Knapp,



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1 Yes. Expedited Bill 9-08 passes unanimously. We now turn to Expedited Bill 10-08  
2 Personnel - Deferred Compensation – Enrollment.

3  
4 Councilmember Trachtenberg,  
5 The Bill would authorize the Chief Administrative Officer, Mr. Firestine, to make payroll  
6 deductions from the salaries of employees for purposes of automatic enrollment into  
7 Deferred Compensation Plans. A housekeeping Bill of sorts. The Committee  
8 recommendation was to enact as introduced.

9  
10 Council President Knapp,  
11 Is there discussion on Expedited Bill 10-08? Seeing none, Madam Clerk, if you would  
12 call the roll.

13  
14 Council Clerk,  
15 Mr. Elrich.

16  
17 Councilmember Elrich,  
18 Yes.

19  
20 Council Clerk,  
21 Mr. Praisner.

22  
23 Councilmember Praisner,  
24 Yes.

25  
26 Council Clerk,  
27 Ms. Trachtenberg.

28  
29 Councilmember Trachtenberg,  
30 Yes.

31  
32 Council Clerk,  
33 Ms. Floreen.

34  
35 Councilmember Floreen,  
36 Yes.

37  
38 Council Clerk,  
39 Mr. Leventhal.

40  
41 Councilmember Leventhal,  
42 Yes.

43  
44 Council Clerk,



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1 Ms. Ervin.

2  
3 Councilmember Ervin,  
4 Yes.

5  
6 Council Clerk,  
7 Mr. Berliner.

8  
9 Councilmember Berliner,  
10 Yes.

11  
12 Council Clerk,  
13 Mr. Andrews.

14  
15 Councilmember Andrews,  
16 Yes.

17  
18 Council Clerk,  
19 Mr. Knapp.

20  
21 Council President Knapp,  
22 Yes. Expedited Bill 10-08 passes unanimously. We now turn to Bill 11-08 Personnel -  
23 Retirement - Benefit Structure - Guaranteed Retirement Income Plan.

24  
25 Councilmember Trachtenberg,  
26 Okay. This Bill would create a new benefits structure within the employees' retirement  
27 system, again, beginning July 1st of 2009 and increase the normal retirement pension  
28 benefit of a Group E member of the integrated plan. The Bill would also require a new  
29 employee to work for 180 days before they could participate in the County retirement  
30 plans. Again, this is a Bill that was part of the reopener discussion and agreement with  
31 McGeo and the recommendation from the Committee was to enact the Bill as provided.  
32 Again, there were some format and stylistic amendments, none of those pesky technical  
33 amendments that we seem to have been plagued with with the other Bills this morning.

34  
35 Council President Knapp,  
36 Councilmember Berliner.

37  
38 Councilmember Berliner,  
39 I just wanted to observe and staff please correct me if I'm wrong with respect to this  
40 matter, that there is a fair chance that the guaranteed return that we are authorizing  
41 here will be deemed by the IRS to be unlawful, that it is required under IRS rules that  
42 we provide variables/market rates and I know that those rules are not finalized yet and  
43 they may not come into being, but I do find a fixed benefit by definition to be somewhat  
44 at odds with what I understand to be the thrust of the IRS's movement with respect to



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1 this. Now, we do have a failsafe provision in here such that if the 7.25% guaranteed  
2 fixed rate is not allowed by the IRS that it does move to a variable. On the other hand, it  
3 has also been suggested that this fixed component of such an essential part of the  
4 negotiations which I totally understand, that if in fact the IRS moves in that regard that  
5 this would amount to a reopener or would permit for a reopener. Could you opine as to  
6 whether or not that is your understanding, that if IRS moves to require this to be a true  
7 market based rate, as opposed to a fixed rate, would that be grounds for a reopener?

8  
9 Bob Drummer,

10 You, we believe it could be, yeah. That the rate would go from a fixed 7.25 to one of the  
11 failsafe rates which is a variable rate based on the yield on corporate bonds, yield rate  
12 on corporate bonds. And it could but the Bill as enacted would continue, I mean, the  
13 plan would continue.

14  
15 Councilmember Berliner,

16 Yes.

17  
18 Bob Drummer,

19 Because the Bill does have the failsafe rate in it and that's what would.

20  
21 Councilmember Berliner,

22 That's what would kick in.

23  
24 Bob Drummer,

25 That's what we'd be getting. Right.

26  
27 Councilmember Berliner,

28 Right.

29  
30 Bob Drummer,

31 That's what we'd be getting.

32  
33 Councilmember Berliner,

34 If the 7.25 guaranteed is upheld by the IRS or not disturbed, that's option one. If it isn't,  
35 the Bill automatically provides for, if you will, the fallback position of the variable rate  
36 that would otherwise be allowed. Is that a fair characterization?

37  
38 Bob Drummer,

39 That's right. Yes.

40  
41 Councilmember Berliner,

42 If I have misstated.

43  
44 Council President Knapp,



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1 Hold on, hold on. Just a second. I want to see, Ms. Miller?

2  
3 Sara Miller,

4 We believe that there would be, that is a fair a characterization of the Bill,  
5 Councilmember. But we believe that bargaining would be triggered in the event that the  
6 IRS did not approve the 7.25. Again, and I know we've discussed this before, the IRS  
7 provisions don't actually apply to us, it's the ADA provisions that the proposed  
8 regulation covers that may cause us some concern.

9  
10 Council President Knapp,  
11 Mr. Renne, briefly.

12  
13 Ginno Renne,

14 Yeah. It's always briefly, but thank you. With all due respect, I wish we'd reach a point in  
15 this process that the questions are directed to the negotiators. I would really prefer that.  
16 This union extends professional courtesy to this Council when we're addressing  
17 legislative matters and I would appreciate the same extended to our institution.

18  
19 Council President Knapp,  
20 I believe you're sitting at the table now and responding.

21  
22 Ginno Renne,  
23 With that said now sir.

24  
25  
26 Ginno Renne,

27 With that said, sir, let me just be clear. The language could potentially trigger  
28 negotiations if the parties believe that the variable rate that the IRS sets falls within our  
29 understanding and intent of the language. Thank you.

30  
31 Council President Knapp,  
32 Thank you. Further comment or discussion?

33  
34 Bob Drummer,

35 Just one other point I wanted to make clear that we did talk to both the Board of  
36 Investment Trustee staff, I know they've talked to Human Resources and the employees  
37 will be notified as to this possibility when notices go out about the new plan because it is  
38 an optional plan. Nobody has to, nobody is automatically in it, you have to opt in.

39  
40 Council President Knapp,  
41 Okay. Councilmember Berliner.

42  
43 Councilmember Berliner,



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1 Just one follow up. The concern that had been expressed to me and it may not be the, it  
2 may not be a concern in fact is that anytime you guarantee a return, if you don't meet  
3 that mark, I presume that the County is on the hook for the difference between, for  
4 purpose of this conversation, assume that markets go south, and that the returns are  
5 6.75 as opposed to 7.25. In that context, the County is still obligated to pay the  
6 guaranteed return and come up with the difference of a half a point for purpose of this  
7 conversation so that the exposure of the County in that context in a market going south  
8 is something to be aware of in the context of this provision. Is that a fair  
9 characterization?

10  
11 Bob Drummer,  
12 That's exactly right. I mean, that's why it's considered a defined benefit plan instead of a  
13 defined contribution plan.

14  
15 Councilmember Berliner,  
16 Thank you.

17  
18 Council President Knapp,  
19 The reverse of that is also true. If the County were to exceed that then we can do  
20 whatever we want to with that excess.

21  
22 Bob Drummer,  
23 That's also true.

24  
25 Council President Knapp,  
26 Okay.

27  
28 Bob Drummer,  
29 Yes.

30  
31 Council President Knapp,  
32 Councilmember Floreen.

33  
34 Councilmember Floreen,  
35 Thank you. I just wanted to be clear as to the understandings here. If, are we telling our  
36 employees that if the IRS does not, they will approve this rate? Or is it that this has to,  
37 there is some regulation that there.

38  
39 Bob Drummer,  
40 The IRS is, they've adopted proposed rules.

41  
42 Councilmember Floreen,  
43 Okay.



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1 Bob Drummer,  
2 To finding what a market rate is.  
3  
4 Councilmember Floreen,  
5 Okay.  
6  
7 Bob Drummer,  
8 They're not final yet. They hopefully will be final by the end of this calendar year.  
9  
10 Councilmember Floreen,  
11 So, the County has negotiated something based on rules that haven't been adopted? Is  
12 that correct?  
13  
14 Bob Drummer,  
15 That's.  
16  
17 Councilmember Floreen,  
18 Okay.  
19  
20 Bob Drummer,  
21 Probably true, yes.  
22  
23 Councilmember Floreen,  
24 And the understanding is that if the rules do not support what is in this negotiated  
25 contract, I'd listened very carefully to what Mr. Renne said, and to what Ms. Miller said,  
26 and I think I heard different things. I think Mr. Renne said if it's within the scope of their  
27 understanding there will be no reopener. Is that what you said Mr. Renne?  
28  
29 Ginno Renne,  
30 That's a position that we could potentially take, yes.  
31  
32 Councilmember Floreen,  
33 It's a position you could, so, maybe yes, maybe no.  
34  
35 Ginno Renne,  
36 It's a position. Maybe yes and I'm not.  
37  
38 Councilmember Floreen,  
39 That's okay.  
40  
41 Ginno Renne,  
42 Yeah. I'm not going to predict what position we are going to take.  
43  
44 Councilmember Floreen,



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1 Sure.

2  
3  
4  
5 Councilmember Floreen,  
6 And okay, that's fine, that's actually straightforward. And Ms. Miller, the County's  
7 position is what? If the IRS does not, issues regulations that do not support this, what is  
8 the County's position?

9  
10 Sara Miller,  
11 That either party would have the ability to trigger negotiations at that point and it's  
12 something that we would discuss at that point.

13  
14 Councilmember Floreen,  
15 So, to even discuss that, isn't that a reopener?

16  
17 Sara Miller,  
18 No, it's a determination of whether or not we want to reenter bargaining.

19  
20 Councilmember Floreen,  
21 Well, so, if there is further County exposure in this regard, that's a fiscal decision that  
22 you will keep us apprised of?

23  
24 Sara Miller,  
25 Certainly. Yes.

26  
27 Michael Faden,  
28 You will have to approve.

29  
30 Council President Knapp,  
31 Right.

32  
33 Councilmember Floreen,  
34 We will have to approve any change to, well, if there is a different IRS determination  
35 then, this Council, or the County Executive would have to resolve any clarification  
36 necessary in this contract, correct? Is that correct?

37  
38 Unidentified  
39 Yes.

40  
41 Councilmember Floreen,  
42 And we would be in a position then of hearing from you on that.

43  
44 Sara Miller,





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1 Yes.

2  
3 Council President Knapp,  
4 Okay. Further discussion on Bill 11-08? I see none. Madam Clerk, if you would call the  
5 roll.

6  
7 Council Clerk,  
8 Mr. Elrich.

9  
10 Councilmember Elrich,  
11 Yes.

12  
13 Council Clerk,  
14 Mr. Praisner.

15  
16 Councilmember Praisner,  
17 Yes.

18  
19 Council Clerk,  
20 Ms. Trachtenberg.

21  
22 Councilmember Trachtenberg,  
23 Yes.

24  
25 Council Clerk,  
26 Ms. Floreen.

27  
28 Councilmember Floreen,  
29 Okay.

30  
31 Council Clerk,  
32 Mr. Leventhal.

33  
34 Councilmember Leventhal,  
35 Yes.

36  
37 Council Clerk,  
38 Ms. Ervin.

39  
40 Councilmember Ervin,  
41 Yes.

42  
43 Council Clerk,  
44 Mr. Berliner.



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1  
2 Councilmember Berliner,  
3 Yes.  
4  
5 Council Clerk,  
6 Mr. Andrews.  
7  
8 Councilmember Andrews,  
9 Yes.  
10  
11 Council Clerk,  
12 Mr. Knapp.  
13  
14 Council President Knapp,  
15 Yes. Bill 11-08 passes unanimously. We are now in, well, let me just say first, we've got  
16 three Bills coming back for next week, Bill 13-08, Expedited Bill 6-08 or the modified and  
17 introduced and Expedited Bill 7-08. The Council is in recess until 1:30 for a lunch  
18 meeting with the Montgomery County Planning Board and I would just note that I will be  
19 absent for this afternoon's session. The Council Vice-President will be managing the  
20 processes and we have three elements for action that staff will provide the overview for  
21 that were recommendations from the PHED Committee. And with that we are in recess  
22 until 1:30 for public hearing. Thank you very much.

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1 Vice President Andrews,

2 All right. Good afternoon ladies and gentlemen. We are going to get started. This is a  
3 Public Hearing on Subdivision Regulation Amendment 08-02, Alternative Review  
4 Committee Functions, which would remove the Alternative Review Committee from the  
5 preliminary plan approval process., allow certain preliminary plans to exceed density or  
6 building height limits to permit the construction of all moderately priced dwelling units  
7 and bonus units on site, and generally amend provisions relating to preliminary plans.  
8 Persons wishing to submit additional material for the Council's consideration should do  
9 so before the close of business on June 23, 2008. And the Planning, Housing and  
10 Economic Development Committee work session will be scheduled at a later date to be  
11 made available online. You can call 240-777-7900 for information. And before beginning  
12 your presentation, please state your name clearly for the record. Council President  
13 Knapp is out of the area for the afternoon, and so we will proceed without him the rest of  
14 the day. The first group that is coming up, and we have one panel for this group, is Greg  
15 Russ from the Planning Board, David Freishtat speaking an individual, Jim Humphrey  
16 representing the Montgomery County Civic Federation, and Wayne Goldstein speaking  
17 for the East Silver Spring Citizens' Association. I see that several of the speakers, Mr.  
18 Russ -- I'm sorry. I'm looking at the wrong thing. Yes, and Mr. Nelson. Mr. Nelson  
19 actually is first. There you go. I'm sorry about that.

20  
21 Councilmember Berliner,  
22 Is it the first shall be last?

23  
24 Vice President Andrews,

25 There we go, we had an old -- two speaker list up here and I read from the old one. So  
26 Rick Nelson will be representing the County Executives, he will be speaking first. Each  
27 of you has three minutes -- actually no. Since you're speaking on more items, we have  
28 all of you, except Mr. Freishtat, have five minutes, who will be speaking on one item as  
29 an individual. So, Mr. Nelson, you have five minutes. And I see you're speaking on  
30 Items 13 and 14 also.

31  
32 Rick Nelson,

33 Yes. Good afternoon. I'm Rick Nelson, Director of Housing and Community Affairs,  
34 testifying for County Executive Leggett. The Executive strongly supports the adoption of  
35 ZTA, 8-07 and SRA 8-02, which would remove the Alternative Review Committee from  
36 any role in the zoning and subdivision process. These amendments are intended as  
37 companion legislation to Bill 38-07 introduced last December, which would amend the  
38 MPDU law. Together these three pieces of legislation would eliminate the ARC entirely.



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1 This recommended change was prompted by the OLO report 2007-9. Although the OLO  
2 report recommended clarifying the rules and procedures of the ARC, the County  
3 Executive recommends the ARC be eliminated. The ARC is composed of Directors of  
4 DHCA, HOC and Park and Planning. This legislation would allow development plans,  
5 project plans, and preliminary plans for high density residential developments to exceed  
6 residential density in building height and limits recommended in the applicable Master  
7 Plan, but within the limits of the underlying zone to the extent necessary to  
8 accommodate the number of MPDUs built on site, plus the number of bonus density  
9 units. These amendments are consistent with the Executive's stated position that  
10 density in CBDs and around metro stops need to be increased in order to provide  
11 affordable housing in Montgomery County. Bill 38-07 would change the basis for pricing  
12 of the MPDU sales units from the developer's cost to construct an individual unit to a  
13 method which bases sales prices on affordability in households in the MPDU program.  
14 The Executive believes that these pricing changes are necessary to ensure that MPDUs  
15 remain affordable to the program's target population. Adoption of ZTA 08-07 and SRA  
16 08-02 would help to offset the increased cost for developers of high-rise buildings who  
17 would be most affected by the change in pricing. Affordable housing is currently the only  
18 element in the development review process that is subject to a financial feasibility test.  
19 The zoning ordinance and subdivision regulations do not impose such a test for public  
20 art, [inaudible] restriction [inaudible] station requirements. Given the County's crisis in  
21 affordable housing, it's time for housing to begin with at least this much priority. Let me  
22 now turn to ZTA 8-08. County Executive Leggett created the Affordable Housing Task  
23 Force to make recommendations, and they recommended that the County adopts ZTAs  
24 that will provide increased heights in return for additional housing affordability, and  
25 adopts ZTAs that will promote affordable housing in urban cores, Industrial and transit  
26 and commercial areas. In 06 The County Council created the Workforce Housing  
27 Program which requires 10% of the units in CBDs to be designated to workforce  
28 housing. The Council recognized the cost for these workforce housing units would have  
29 to be offset by the market-rate housing units, and they permitted additional height so the  
30 workforce units do not replace market-rate units. The proposed ZTA would change the  
31 overlay zone limitations to permit additional building height in the Fenton Village area  
32 only as necessary to permit the construction of workforce housing. This language still  
33 limits the building height along the west of Fenton Street to 60 feet. But additional height  
34 would be allowed toward Georgia Avenue. This ZTA only allows the additional height  
35 needed for the workforce housing and does not increase the permitted density or  
36 number of units above what is allowed by the underlying zone. Two proposed projects  
37 in Fenton Village area include County property, where the County is requiring additional  
38 residential units to be affordable. The joint development POD lot 3 located between Fair  
39 Avenue and Silver Spring requires 12-1/2% MPDUs and 17-1/2% workforce housing.  
40 The Silver Spring Library site is proposed to have 30% workforce housing, 30%  
41 MPDUs, as well as 40% mortgage-rate units. With the current height limitation in the  
42 Fenton Village overlay zone, the economics of these projects are unlikely to work.  
43 These two projects, parking lot district 3 which was identified has a housing resource in  
44 the sector plan, and the Silver Spring Library site will not be able to provide as many



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1 affordable housing units without the amendment of the Fenton Village overlay zone to  
2 permit additional height. As a part of the County Executive's effort to encourage the  
3 private development of more affordable housing, he has requested that the County  
4 Council adopt this proposed ZTA amending the Fenton Village overlay zone to permit  
5 additional height for the construction of workforce housing. Thank you for your  
6 consideration.

7  
8 Vice President Andrews,  
9 Thank you Mr. Nelson. Mr. Russ.

10  
11 Greg Russ,  
12 Thank you. For the record, Greg Russ from the Montgomery County Planning Board.  
13 The Planning Board reviewed Zoning Text Amendment number 08-07 and Subdivision  
14 Regulation Amendment 08-2 at its regular meeting on June 5, and unanimously  
15 opposed all existing and proposed provisions of the ZTA and SRA that would allow  
16 residential and building height limits established in a Master Plan or Sector Plan to be  
17 exceeded. Under current code provisions for a development plan, project plan or  
18 preliminary plan to be approved that exceeds the Master Plan established density or  
19 building height limit, a finding is required by an Alternative Review Committee that the  
20 project would not be financially feasible within the constraints of any applicable density  
21 or height limit. The ZTA and SRA, as introduced, would remove the Alternative Review  
22 Committee from the development plan, project plan and preliminary plan approval  
23 processes, but continue to allow Sector Plan density and height limits to be exceeded  
24 for certain projects. The Board believes that eliminating the Alternative Review  
25 Committee is a move in the right direction. However, the Board does not support  
26 retaining co-provisions that continue to permit Master and Sector Plan established  
27 density and height limits to be exceeded. Although the Board strongly supports policies  
28 that promote MPDUs, we believe a more comprehensive look at this issue through the  
29 zoning ordinance rewrite or an amendment to the housing element of the general plan is  
30 needed. We'll be pleased to work with the Council in looking at the solutions that do not  
31 undermine the Master or Sector Plan recommendations. My second presentation is on  
32 ZTA 08-08, and the Planning Board unanimously recommends that this text amendment  
33 not be approved. The text amendment proposes to amend the zoning ordinance to  
34 allow optional method in the development projects in the Fenton Village overlay zone,  
35 additional building height up to the maximum height of the underlying zone to  
36 accommodate workforce housing between Georgia Avenue and Fenton Street. The  
37 underlying zone allows 90 feet under the optional method of development, and up to  
38 143 feet with approval of the Planning Board to accommodate workforce housing  
39 requirement. Building height at 143 would create a rather abrupt transition from 143 to  
40 60 at the west side of Fenton Street. Height limitations were recommended in the Sector  
41 Plan in order to ensure compatibility of new development in Fenton Village with the  
42 adjacent neighborhood, and to sustain Fenton Village as a transitional area between the  
43 core and the surrounding one-family residences. The Sector Plan intended for Fenton  
44 Village to maintain the scale of a village, not the scale of the adjacent CBD core that



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1 allows building heights from 143 to 200 feet. The ZTA, as introduced, is contrary to the  
2 recommendations of the approved and adopted Sector Plan and height limits of the  
3 Fenton Village overlay zone. The Board believes that consideration of the Fenton  
4 Village development envelope and the design implications of increasing building height  
5 above Sector Plan limits to accommodate workforce housing are better served by an  
6 amendment to the Sector Plan rather than by amendment to the zoning ordinance. If the  
7 Council is inclined to approve this ZTA, the Board recommends that the maximum  
8 building height increase to accommodate workforce housing between Georgia Avenue  
9 and Fenton Street not exceed 20 feet above the Sector Plan established limit of 90 feet.  
10 My third ZTA is related to ZTA 08-10. On June 5, the Planning Board recommended  
11 approval of this text amendment as modified by staff. The text amendment proposes to  
12 amend the zoning ordinance to allow additional building height to accommodate hotels  
13 and mix-use optional method of development projects in the Fenton Village overlay  
14 zone. The Sector Plan limits building height for new construction fronting on the east  
15 side of Fenton Street in Fenton Village to 45 feet for all uses except housing, which is  
16 allowed heights up to 60 feet. Although a 60-foot height does not violate the massing  
17 envelope for Fenton Village, this height on the east side of Fenton was provided only as  
18 an incentive of housing. The ZTA would permit increased building height above the  
19 overlay zone limit of 45 feet up to the 60 feet to accommodate a hotel use as part of a  
20 mix-use optional method project. At the Planning Board Public Hearing, it was made  
21 apparent that the text amendment was intended to permit a 60-foot height limit on a  
22 hotel use only if it was part of a mixed-use project that contained housing. The majority  
23 of the Planning Board believes that by adding this amendment to the text amendment  
24 this clarified the intent of -- the intent of the Sector Plan will be achieved by this  
25 clarification.

26  
27 Vice President Andrews,  
28 Okay. In terms of item 16, which I know you haven't gotten to it yet. If you have written  
29 testimony of that?

30  
31 Greg Russ,  
32 Yes, we have that.

33  
34 Vice President Andrews,  
35 You'll circulate that. And there may be a couple questions as well. Okay. Mr. Freishtat.

36  
37 David Freishtat,  
38 Good afternoon. My name is Dave Freishtat. I submitted a letter to the record. And  
39 actually I was testifying on Zoning Text Amendment 08-07. This is a good Bill. It helps to  
40 streamline the process, but there was one issue that I wanted to raise with the County  
41 Council with respect to the issue of height in the CBDs. As the Bill is written, it allows an  
42 increase in the height of structures above the Master Plan recommended height up to  
43 the maximum allowed in the zone. There is -- only one Sector Plan, the Woodmont  
44 Triangle Sector Plan, and I attached a copy of the chart on the back of my letter, which



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1 actually allows height in the Woodmont Triangle higher than allowed in the zoning  
2 ordinance height to accommodate more MPDUs. That provision has never been  
3 authorized as part of the zoning ordinance. I would ask that as part of this text  
4 amendment you could add that to the language so that the authority that is implied in  
5 the Sector Plan can actually be implemented by the Planning Board. As it is now, you  
6 cannot go above the Master Plan -- pardon me, the zoning ordinance height. There is a  
7 provision in the zoning ordinance that allows workforce housing to go above the zoning  
8 ordinance height, and there are some other exceptions as well, but not for moderate  
9 priced dwelling units. Thank you.

10  
11 Vice President Andrews,  
12 Thank you. Mr. Humphrey.

13  
14 Jim Humphrey,  
15 Good afternoon. It is my pleasure to be appearing for the first time before our newest  
16 Councilmember, Mr. Praisner. Congratulations on your election, Councilmember. I am  
17 here representing the Montgomery County Civic Federation. My name is Jim Humphrey,  
18 Chairman of the Planning and Land Use Committee for the Civic Federation. The  
19 Executive Committee of the Federation has taken a position on the two pieces of  
20 legislation ZTA and SRA regarding elimination of the Alternative Review Committee.  
21 And we strongly endorse the Planning Board position in favor of eliminating the  
22 Alternative Review Committee. We thought it was a bad idea when it was created by the  
23 last Council. However, we are opposed, as is the Planning Board, to allowing additional  
24 height or density over Master Plan recommendation to accommodate MPDUs, because  
25 we are in agreement with their understanding that this continues Master Plan and  
26 Sector Plan established density and height limits to be exceeded. It limits the reliability  
27 and predictability of master planning, and we can find a better way to create affordably  
28 priced housing than to undermine our Master and Sector plans in the process. I will be  
29 passing out copies of a housing affordability report to you all that was issued by my  
30 committee to the full delegate assembly of the Federation. It's a list of recommended  
31 options for possible government action related to housing affordability. You'll see on the  
32 bottom of page four that we urge that no additional developer bonuses be allowed in  
33 exchange for MPDUs and workforce housing. We have a number of other ways that we  
34 think the County can create affordable priced housing without violating our Master Plans  
35 and our Sector Plans, or the zone categories in our zoning ordinance. Let me move on  
36 to the -- well, and the primary reason, I should get to that, is that when a height is  
37 established in a Master Plan for property that is less than that allowed by the zone  
38 category, it is done so in order to ensure compatibility of whatever redevelopment  
39 occurs on that property with what is currently existing or planned on the adjacent  
40 properties. By allowing that height guideline in the Master Plan to be exceeded, you  
41 have pretty much guaranteed incompatibility. Let me move on to the Fenton Village  
42 overlay zone. Although we don't have an official position on the hotel ZTA, the  
43 Executive Committee believed that it was a hotel use in particular on the east side of  
44 Fenton Street. And that's where we are concerned with compatibility with the existing



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1 edge neighborhood of East Silver Spring. A hotel zone is not -- use is not that much  
2 different from a multifamily apartment house use. That zone will allow 60 feet for  
3 residential use; 60-foot height for a hotel use is not that much different. In fact, the traffic  
4 impact would probably be less from a hotel than from an apartment building because  
5 there won't be the same, at least, morning rush hour or evening rush hour traffic impact.  
6 It will be scattered throughout the day. Let me focus on the workforce housing. And the  
7 Executive Committee has sent me to state our position in opposition of that Zoning Text  
8 Amendment, in particular because of its impact that it would have on the adjacent East  
9 Silver Spring community. Those properties -- single-family home properties are directly  
10 adjacent to, not across the street, right next to properties on the east side of Fenton  
11 Street that are in the overlay zone. They currently allow 45 feet for commercial-retail  
12 development and up to 60 feet for residential. That overlay zone already has an  
13 incentive, an encouragement if you will, to provide residential units or housing in the  
14 overlay zone. But additional height above that presents a real concern to us in terms of  
15 the compatibility with 2-1/2 story single-family detached home right next door. And so  
16 we would urge you all to not approve the overlay zone for additional height for workforce  
17 housing. You may want to cut off that portion, exclude from additional height if you  
18 decide to approve it, exclude that portion of the overlay zone east of Fenton Street.  
19 When we looked at workforce housing last year -- you all did, I say we -- the people --  
20 we -- when we looked at it -- the Council decided that workforce housing should be  
21 provided in the core of transit centers to avoid the kind of negative impact that could  
22 come from incompatibility on the edges of those transit centers. Thank you.

23  
24 Vice President Andrews,  
25 Thank you. Wayne Goldstein.

26  
27 Wayne Goldstein,  
28 I'm Wayne Goldstein speaking as an individual. I don't know how the Silver Spring  
29 Citizen's Association got on there in relation to me. And East Silver Spring Citizen  
30 Association is happily represented by one of their members. I'm speaking as an  
31 individual about items 12, 13, 14. And I'll start out by saying what they said. They pretty  
32 much covered a lot of it. I'll just add a few more things. The proposed ZTA -08-07 and  
33 SRA 08-02 are proposed changes that go from worst to bad. The having the black box  
34 arc was never a good idea. I'm glad -- I hope we'll be getting rid of it. But allowing for  
35 Master and Sector plans to be ignored and the greater height isn't a good idea, whether  
36 for MPDUs or for workforce housing. Jim mentioned we do have other ideas about how  
37 to provide MPDU's and I'll just throw out a couple of my own ideas. I'm not associated  
38 with anybody else. I live in the 672-square-foot house. It is considered a two bedroom  
39 house that, for the last 60 years, families have lived in starter homes and then moved  
40 on. It seems part of the problem is our MPDUs are too big, and we could make them  
41 smaller and provide more of them, and make them more affordable to build in buildings  
42 that fit in with the Master Plan. And thus lessen the pressure to have to increase the  
43 height. I know we've also had this on-and-off discussions about what to do about the  
44 tremendous condo fees, and I still think it's a good idea to think about requiring the





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1 market-rate people to pay for much of it so that there is less requirement for those living  
2 in MPDUs. I don't think that's unfair or unreasonable. And it would just be a small --  
3 maybe a 5 to 8% increase in their total condo fee, as I calculate. As for workforce  
4 housing, well most market-rate apartment housing and a lot of condos that are being  
5 built these days are priced for workforce housing. So why would we provide a benefit for  
6 someone to provide something they're going to provide as part of the market anyway.  
7 The difference is, they say, okay, this is workforce housing, when it could just as easily  
8 been market-rate housing. So I don't think there's any reason to provide additional  
9 density in such a situation. All in all, if there are needed changes to Master and Sector  
10 plans then we need to do the many Master Plans. We need to move more quickly to  
11 update Master Plans. There was some discussion the Council had with the Planning  
12 Board about how to do this more quickly. Certainly by using a process sharrette process  
13 and really engaging all stakeholders, you can move a lot faster and have community  
14 and other stakeholder buy-in early on that sticks with you until it's approved. So there  
15 are my suggestions. Thank you.

16  
17 Vice President Andrews,  
18 Thank you. Councilmember Floreen has a question.

19  
20 Councilmember Floreen,  
21 I do. Thank you very much. I don't know what to say on this housing stuff. We've been  
22 around these blocks I don't know how many times, and I'm about to give up. So I ask  
23 Greg, okay, where is the revision to the -- this is a revision to the Zoning Ordinance.  
24 Where is the general plan amendment? How many rules do we have to change to  
25 advance County policy? Although I'm not sure it's County policy anymore -- commitment  
26 to affordable housing. In fact, I seriously -- actually, I don't believe it is anymore. But if  
27 there were a commitment to affordable housing, how would we actually do that? And I'm  
28 sorry you're here, because it's not your fault. We just had lunch with the Planning Board  
29 and we didn't bring it up. It just didn't occur to us, I guess, because we had a lot of other  
30 things to discuss. But I would like you to ask -- bring back to the Planning Board my  
31 request for an outline of exactly how we articulate a commitment to affordable housing,  
32 and then actually get it done. We can't do it in public land anymore. We thought we  
33 might try that. We can't do it through the Zoning Ordinance because this would be a  
34 violation of the bible. As you know, we have yet to do a Master Plan in this council. It's  
35 been a year and a half. We have one sort of pending, but it's being revision -- being the  
36 Zoning Ordinance part is being rewritten now. And Lord knows what portion of this plan  
37 is affordable and can actually be constructed according to the Planning Board. So I ask  
38 the Planning Board -- we have to do a whole new general plan process? We already  
39 have a general plan. It has a housing element. I do not -- I've heard this now several  
40 times from the Planning Board. We need to revise something else. Everyone agrees.  
41 We're all there for it. But we need to revise something. Wayne and Jim have been in the  
42 trenches on this for years. They know this. We've had the same argument for a long,  
43 long time. And we know what these issues are. But for the Planning Board to keep  
44 saying, you know, whether it's some other document that doesn't empower us to think



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1 this way within my lifetime is becoming increasingly troubling to me. I ask you to bring  
2 back to the board exactly how would they do it? This alternative review process, which I  
3 would totally agree with the neighbors, is ridiculous. It was a compromise. It was a way  
4 to find a balance between the Master Plan constriction, respect the community concern,  
5 and have a clear look at was it really a math problem? Because that's what people who  
6 build this stuff has told us. We can't do it -- the math doesn't work. And you know, Jim  
7 and Wayne, we've been at all the same meetings on this stuff. We've heard it. You can  
8 doubt it. But that was the deal to get us to a maybe in this conversation of advancing a  
9 need for affordable housing. I don't know about people who are here. I don't know about  
10 people in this room. I don't know about people elsewhere, but our children cannot afford  
11 to rent or buy a home here. This is a problem. Government can't afford to subsidize  
12 everything. So we look to the private sector to develop something. And the drop in the  
13 bucket that this is always referred to is becoming not even a drop anymore, because it's  
14 not going to get constructed. Now the market certainly is playing a role in that. But our  
15 rules make it almost impossible to do anything these days. And so for the people  
16 associated with Planning to tell us, well we're going to think about it. Well they're not  
17 even going to say they are going to think about it. But to even contemplate such an  
18 initiative, we've got to rewrite some of our most basic documents and then no doubt  
19 revise every single Master Plan over the course of the next twenty years. At which point  
20 everything will be different. So I'm starting to lose my cool on this subject, hearing the  
21 same resistance from the Planning Board on everything else. Rick is the advocate.  
22 Wayne, Jim, these folks have been articulating very valid points of views for many years  
23 on this subject. But we need -- you guys are supposed to be the dreamers. You are  
24 supposed to be the big picture thinkers. You are supposed to help us solve this  
25 problem. And if you are not going to support this stuff, I would like to know what you will  
26 support. And again, it's not you, Greg, but if you could convey that to the team down at  
27 Park and Planning, I see none of them bothered to join you today.

28  
29 Vice President Andrews,

30 Okay. I don't see any other questions at this point. Thank you very much to the panel.  
31 And we will go on to the next public hearing, Agenda Item 13. This is a Public Hearing  
32 on Zoning Text Amendment 08-07, which would amend the Zoning Ordinance to  
33 remove the Alternative Review Committee from the development plan and project plan  
34 approval processes, allow certain development plans or project plans to exceed density  
35 or building height limits, to permit the construction of all moderately priced dwelling units  
36 and bonus units on site, and generally amend provisions relating to development plans  
37 and project plans. There are exhibits. One, copy of Zoning Text Amendment 08-07 is  
38 introduced. Exhibit two, a copy of resolution establishing a Public Hearing date and  
39 time. And three, proof of advertisement in the Montgomery County Sentinel. Persons  
40 wishing to submit additional material for the Council's consideration should do so before  
41 the close of business on June 23, 2008. The PHED Committee work session will be  
42 scheduled at a later date and be made available online and call 240-777-7900 for  
43 information. There are no additional speakers for this hearing. We did have Mr. Nelson,  
44 Mr. Russ, Mr. Humphrey and Mr. Goldstein comment on it in their previous testimony.



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1 And so with that, we will move on to the next public hearing. Good afternoon. Agenda  
2 Item 14 is a Public Hearing on Zoning Text Amendment 08-08, which would amend the  
3 Zoning Ordinance to allow optional method of development projects in the Fenton  
4 Village overlay zone, additional building height to accommodate workforce housing  
5 units, and generally amend building height limits in the Fenton Village overlay zone.  
6 There are three exhibits. One is a copy of the Zoning Text Amendment as introduced.  
7 The second is a copy of the resolution establishing the Public Hearing date and time.  
8 And three, proof of advertisement in the Montgomery County Sentinel. Persons wishing  
9 to submit additional material for the Council's consideration should do so by the end of  
10 business on June 19, 2008. The PHED Committee's work session is tentatively  
11 scheduled for June 26, 2008, at 2:00. Call 240-777-7900 to confirm. And we have two  
12 speakers who are speaking just on this item, in addition to the speakers prior who  
13 referenced it who were Greg Russ, Jim Humphrey and Wayne Goldstein. And two  
14 speakers who are speaking here exclusively on this are Robert Hillerson, speaking as  
15 an individual, and Jane Redicker, speaking for the Great Silver Spring Chamber of  
16 Commerce. Good afternoon to you. And each of you has three minutes. Please state  
17 your name and address clearly for the record, and spell any unusual names. Press the  
18 button. There you go. Thank you.

19  
20 Robert Hillerson,  
21 Robert Hillerson, 801 Wayne Avenue, Silver Spring, Maryland. Mr. President, wherever  
22 you are, and members of the Council, My attorney, Bob Dowrimple asked me to  
23 apologize for his not being here today. He had a prior obligation to take his father and  
24 his renowned mentor, Bob Metz to Arizona to play golf. So I'm by myself. Okay. Just a  
25 brief history that goes back nearly 10 years of my involvement in Fenton Village. The  
26 Silver Springs CBD Sector Plan was developed February 2000. It was designed in part  
27 to encourage the redevelopment of Fenton Village with street-level retail, to encourage  
28 residential development by the grant of one additional FAR if projects contained at least  
29 33% of residential, and by designating parking lot three as a housing resource. The  
30 intent of this development scheme was to help activate the streets with people, both  
31 daytime and nighttime; to utilize the resources of the central business district including  
32 public transportation and being within 1600 feet of the metro station; to support local  
33 restaurants, theaters, and other places of entertainment; to support retail stores and to  
34 encourage people to live and work within walking distance from the metro and office  
35 buildings. Some people call this smart growth. It has taken me nearly eight years to  
36 assemble much of the land surrounding parking lot three; to respond to the County RFP  
37 with regard to the public parking lot; and to negotiate a deal with the County. What a  
38 great opportunity we have to comprehensively redevelop nearly an entire block of the  
39 enterprise zone. If the ZTA 08-08 is not enacted as written or substantially similar to the  
40 suggested modification included in Mr. Dowrimple's testimony, which I have submitted  
41 to you all just prior to my testimony, this opportunity will be lost forever. Our reasons are  
42 set forth in Mr. Dowrimple's letter and should be clear upon reading. Thank you for this  
43 opportunity to present.



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1 Vice President Andrews,  
2 Thank you. Ms. Redicker.

3  
4 Jane Redicker,  
5 Vice President Andrews, members of Council, good afternoon. My name is Jane  
6 Redicker and I'm President of the Greater Silver Spring Chamber of Commerce. We  
7 represent almost 400 businesses, most of them small businesses in Silver Spring. I'm  
8 here today in support of Zoning Text Amendment 08-08, which would amend the  
9 County Ordinance to provide optional method development projects in the Fenton  
10 Village overlay zone, additional building height, to accommodate workforce housing. We  
11 support this amendment for two reasons. First, as we -- as I've often said, the  
12 redevelopment of Silver Spring is not yet finished. Much work is still needed to complete  
13 the dream of a revitalized Silver Spring and expand the vibrant robust business climate  
14 outside the central core. As such, we believe that Fenton Village represents one of the  
15 next critical areas for redevelopment in Silver Spring. Second, as a matter of public  
16 policy, we support the inclusion of workforce housing in development projects within  
17 walking distance of major transportation hubs. The county has recognized the need for  
18 additional workforce housing. So have our police officers, our teachers, our emergency  
19 responders, and our healthcare providers, and our children can live inside the County in  
20 which they work and in which they have grown up. Our members recognize the need for  
21 nearby housing that their employees can afford, and walk to work or take public  
22 transportation close by to work. Given the record fuel prices we now face, long  
23 commutes no longer make economic or environmental sense. Creating workforce  
24 housing near convenient public transportation does. Fenton Village is in within easy  
25 walking distance of the current Silver Spring Metro station and what is soon to be the  
26 enlarged Silver Spring Transit Center. It represents an ideal location of the inclusion of  
27 workforce housing. While, as we have said, we support the County's efforts of achieve a  
28 higher percent of workforce housing and new development, we recognize the financial  
29 challenges faced by developers of these projects. In order to move forward, any  
30 development projects must be economically feasible. As we understand the situation in  
31 Fenton Village, the current overlay limits the building heights to a greater extent than  
32 that of the underlying zone. As such, the inclusion of the amount of workforce housing  
33 the County is seeking in a private/public partnership simply won't work financially. The  
34 text amendment is designed to make such a project work by simply allowing the  
35 additional height necessary to accommodate the workforce housing into a residential  
36 development. As we understand it, this amendment would not, as some have  
37 suggested, result in buildings that reach the maximum allowable height across the  
38 entire development of 143 feet. The Chamber has long been anxious for the  
39 revitalization of Silver Spring to extend to this area. We have some serious concerns  
40 about the alternatives for Silver Spring and for our business members if the  
41 development initiative like this is not allowed to go forward in Fenton Village. We ask  
42 your support to bring workforce housing to Fenton Village by voting in favor of Zoning  
43 Text Amendment 08-08. We thank you for your past support of Silver Spring, and for the  
44 opportunity to testify today.



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1  
2 Vice President Andrews,  
3 Thank you very much. Councilmember Elrich has a question.

4  
5 Councilmember Elrich,  
6 I have a question for Mr. Hillerson, and that's -- and you don't need to provide it on the  
7 spot. But I would like information on the difference in pricing between market-rate units  
8 and the anticipated workforce housing units, and any difference in size. Let me know  
9 whether they are going to be substantially the same or different? I think Mr. Goldstein's  
10 earlier comments about sizes of units, particularly in relation to another conversation I  
11 had with another developer, are actually fairly relevant in terms of the price the things  
12 come in at. And I would like to clarify; we've had some conversations. You -- there's  
13 more than one way to skin this cat. And there are a number of different issues involved  
14 in this. And I just wanted to be clear that we could also modify this in order to deal with  
15 some of the other issues regarding design as long as the overall objectives in terms of --  
16 for production of units are achieved. And then your understanding is that it would also  
17 be a reasonable way to go.

18  
19 Robert Hillerson,  
20 Sure.

21  
22 Councilmember Elrich,  
23 Okay.

24  
25 Vice President Andrews,  
26 Okay. No other questions, thank you very much. All right. The next Public Hearing is on  
27 Zoning Text Amendment 08-10, which would allow the Zoning Ordinance to allow  
28 additional building height to accommodate hotels in mixed-use optional method of  
29 development projects in the Fenton Village overlay zone, and generally amend  
30 allowable building heights in the Fenton Village overlay zone. There are three exhibits.  
31 One is a copy of the Zoning Text Amendment as introduced. The second is a copy of  
32 the resolution establishing the public hearing date and time. The third, proof of  
33 advertisement in Montgomery County Sentinel. Persons wishing to submit additional  
34 material for the Council's consideration should do so before the close of business on  
35 June 19, 2008. The PHED Committee's work session is tentatively scheduled for June  
36 26, 2008, at 2:00; call 240-777-7900 to confirm. Before beginning your presentation,  
37 please state your name and address clearly for the record and spell any unusual  
38 names. Greg Russ from the Planning Board testified on this earlier. And we have three  
39 speakers with us, I see. Todd Brown, you're first from the Fenton Group. Karen Roper  
40 from the East Silver Spring Citizen's Association, and -- .

41  
42 Todd Brown,  
43 This is Dr. Glee, who is a principle with the Fenton Group.



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1 Vice President Andrews,  
2 Very good. Nice to see you. Thank you for being here. Mr. Brown.

3  
4 Todd Brown,  
5 Thank you very much. For the record my name is Todd Brown. I'm an attorney with  
6 Linowes & Blocher, who are representing the Fenton Group. We support the text  
7 amendment as it has been suggested to be modified by the Planning Board, and as Mr.  
8 Russ testified. Mr. Russ did give me a copy of the language that the Planning Board  
9 agreed would be an appropriate modification. I'm not sure whether the Council has this  
10 or not, but I have a copy which I'd be glad to give to you. We have worked very hard  
11 with the East Silver Spring Citizen's Association on this text amendment. And as Karen  
12 is here to testify, they do support this. I think it is a good opportunity for the community's  
13 desires and the property owners' desires to be advanced consistent with the Silver  
14 Spring CBD sector plan. Currently, the maximum building height is 60 feet on the east  
15 side of Fenton Street for housing, 45 feet for non-housing. This text amendment does  
16 not increase that maximum building height. It only allows different uses within that  
17 maximum building envelope, and only as the Planning Board has recommended and as  
18 we have suggested in support only if housing is also part of the project plan application  
19 that would include a hotel. I think also it is important to note that as we've suggested,  
20 and as the language would indicate, that this would have to be an optional method  
21 project to take advantage of the additional height allowed for the hotel. And what that  
22 means is that you get 20% instead of 10% public use space onsite, and you get  
23 additional amenities. So I think overall it's a very good opportunity to try to advance  
24 some things in Fenton Village, and I'd be happy to answer any questions.

25  
26 Vice President Andrews,  
27 Thank you very much. Good timing too. Karen Roper.

28  
29 Karen Roper,  
30 Good afternoon, Karen Roper, 7911 Chicago Avenue, Silver Spring, Maryland. I'm  
31 representing ESSCA, and we -- our community has overwhelmingly voted to support this  
32 for three basic reasons. One, it does not change the base height on the east side of  
33 Fenton Village. It also achieves the three things, according to Planning Board staff, that  
34 that height bonus for residential is supposed to achieve; create mixed-use, activate the  
35 streets, and give businesses customers. We think it does it with less impact on the  
36 neighbors, less cars, et cetera. The other issue for our community is the problem we're  
37 seeing from our perspective in Fenton Village is there are so many incentives to building  
38 housing we're in danger of losing our retail component. And we're in danger of just  
39 being another clogged suburb. By allowing this particular ZTA gives us more flexibility in  
40 designing this, especially next to the neighbors, and gives us a considerable diversity  
41 for our retail -- more retail space and for our retail. And one last thing I'd like to say to all  
42 of you that I think is no small achievement, the developer, the community, now the  
43 Planning Board and two of our Councilmembers all agree on this. I don't know that  
44 that's ever happened before, especially in Fenton Village.



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1  
2 Vice President Andrews,  
3 Mark the day.

4  
5 Karen Roper,  
6 And we really like to see this kind of cooperativeness.

7  
8 Councilmember Floreen,  
9 [Inaudible].

10  
11 Karen Roper,  
12 We'd like to see this serve as sort of a model as we go forward with these  
13 developments down there. Thank you. Thank you very much.

14  
15 Vice President Andrews,  
16 Thank you. Councilmember Elrich and then Councilmember Leventhal.

17  
18 Councilmember Elrich,  
19 I just wanted to commend all three of you at the table for the way you've worked  
20 together, because there are at least two of you who are considered intractable forces in  
21 your -- .

22  
23 Karen Roper,  
24 Which two?

25  
26 Councilmember Elrich,  
27 That would be you, Karen. And that would be Todd from Linowes & Blocher. These are  
28 not usually two groups that sit down and work something out. I thought the way this  
29 process worked out and the willingness of the owner actually to engage in real  
30 constructive discussion to come up with not just a ZTA, but a side contract on what the  
31 project will actually look like, really changed the dynamic here and made it possible, I  
32 think, for everybody to get comfortable with what was happening. And I just wanted  
33 thank you all for working together and demonstrating that it is possible to reach an  
34 agreement that the community that has often been called, you know, just the most nimbi  
35 place in the world, actually understands that things are going to change, but they want  
36 to be part of the change, and that this process gave them the ability to work into that.  
37 And I think the product of it is really successful. So thank you all.

38  
39 Vice President Andrews,  
40 Councilmember Leventhal.

41  
42 Councilmember Leventhal,  
43 Karen, you took me by surprise. So that is good. Surprises are good. I'm trying to keep  
44 track of all the testimony we have gotten. And so we have two different proposals



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1 regarding height in the Fenton Village. And so now I need to understand a little better,  
2 Karen, does ESSCA have a position on ZTA 08-08? You testified in support of 08-10.

3  
4 Karen Roper,  
5 Yes, I believe we sent -- I did not testify, but we have sent -mails to the Council. You  
6 should have received one that we are opposing that. And I can give you those reasons  
7 if you want to know.

8  
9 Councilmember Leventhal,  
10 Okay. So you've got a concern about workforce housing but you support the hotel  
11 concept, and you think that will encourage retail.

12  
13 Karen Roper,  
14 We are concerned about workforce housing. The problem with ZTA 08-08 is that it has  
15 no setback from Fenton Street. It's 143 feet when they only need 20. There's no  
16 protection. If you look at what was approved with the ADEL where it goes from 60 feet  
17 at Fenton to 90 feet, it goes to 90 feet, 12 feet back. So we think that we can work with  
18 Mr. Hillerson if he wants to go through this process, and we can come up with  
19 something that will work.

20  
21 Councilmember Leventhal,  
22 Well that sounds very promising. It makes our job a lot easier.

23  
24 Karen Roper,  
25 Yeah, but that ZTA is not it.

26  
27 Councilmember Leventhal,  
28 Understood. That's fine. I got the testimony from the Montgomery County Civic  
29 Federation with comments on ways to achieve affordable housing. Was there written  
30 testimony from the Civic Federation? Because, I'm sorry, I'm finding it a little difficult to  
31 keep track. We've got two different ZTA's; they both increase height; one of them  
32 relates to a hotel; one of them relates to workforce housing.

33  
34 Karen Roper,  
35 Ours does not increase height; 08-10 does not increase the base height on Fenton  
36 Street.

37  
38 Councilmember Leventhal,  
39 Okay.

40  
41 Karen Roper,  
42 The other one increases the base height.

43  
44 Councilmember Leventhal,





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1 Did the Civic Federation take a position on 08-10?

2  
3 Jim Humphrey,

4 Sorry. Again, Jim Humphrey, for the Civic Federation. Which is the Fenton Village  
5 overlay zone -- .

6  
7 Councilmember Leventhal,  
8 The overlay zone.

9  
10 Jim Humphrey,  
11 Which, the hotel?

12  
13 Councilmember Leventhal,  
14 The hotel.

15  
16 Jim Humphrey,  
17 No, but we did make comments that our Executive Committee had discussed the issue,  
18 and we had no problem with it because we considered that the impact on the  
19 community would be similar to a multifamily apartment building.

20  
21 Councilmember Leventhal,  
22 Okay. So is the Civic Federation in the habit of imposing its views on individual civic  
23 associations?

24  
25 Jim Humphrey,  
26 No, we talked with ESSCA.

27  
28 Councilmember Leventhal,  
29 But ESSCA supports 08-10, Civic Fed opposes 08-10; have I got that right?

30  
31 Jim Humphrey,  
32 No.

33  
34 Karen Roper,  
35 No, [inaudible].

36  
37 Jim Humphrey,  
38 We're in agreement with ESSCA. We think the hotel height is acceptable because the  
39 use and impact will be not much different from an apartment building. And we are both  
40 opposed to -- both groups to the workforce housing.

41  
42 Councilmember Leventhal,  
43 But you don't object to the hotel.



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1 Jim Humphrey,  
2 That's correct.

3  
4 Councilmember Leventhal,  
5 Okay, thank you. I'm clear.

6  
7 Jim Humphrey,  
8 Although we didn't take a formal position on it.

9  
10 Councilmember Leventhal,  
11 Okay, we've got four ZTA's in front of us. They all overlap and it's hard to keep track.  
12 Thank you.

13  
14 Vice President Andrews,  
15 Okay, there are no other questions. Thank you very much. Our final Public Hearing for  
16 the afternoon, but not for the day, is a Public Hearing on Zoning Text Amendment 08-  
17 09, which will amend the Zoning Ordinance to remove the restrictions on health clubs in  
18 industrial zones, and generally amend the provision related to health clubs in industrial  
19 zones. We have three exhibits -- the copy of the ZTA as introduced, a copy of the  
20 resolution establishing the Public Hearing date and time and proof of advertisement in  
21 the Montgomery County Sentinel. Persons wishing to submit additional material for the  
22 Council's consideration should do so before the close of business on June 19, 2008.  
23 The PHED Committee work session is tentatively scheduled for June 23, 2008, at 2:00;  
24 call 240-777-7900 to confirm. Before beginning your presentation, please state your  
25 name and address clearly for the record, and spell any unusual names. There are no  
26 speakers for this hearing other than the comments received from Greg Russ on behalf  
27 of the Planning Board. So that is it for this Public Hearing. And we will now move on to  
28 the District Council Session. We have three items for action on district council session.  
29 They are 18, 19, and 20 in the packets. And the first is an action on the resolution to  
30 approve use of Advanced Land Acquisition Revolving Fund, ALARF, for acquisition of  
31 the real property the Robert Mitchell property and the Wheaton Moose Lodge #1775  
32 property. Since Council President Knapp is not here this afternoon, Marlene Michaelson  
33 is going to present the PHED Committee's report.

34  
35 Marlene Michaelson,  
36 Yeah, this acquisition did not go to PHED. It usually, as tradition with acquisitions, they  
37 are introduced one week and acted on the next unless for some reason it's requested  
38 that it go to PHED. But I can just highlight for you. It's two individual acquisitions. One is  
39 approximately 35-acres in the Cloverly Master Plan. It is within the special protection  
40 area where the Council has put a high priority on minimizing imperviousness. So this is  
41 a chance to add 35-acres and keep it in a permanent pervious state, which has been  
42 the goal of the Council now for many years.

43  
44 Vice President Andrews,



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1 The Upper Paint Branch Stream Valley.

2  
3 Marlene Michaelson,  
4 That's right, in the Paint Branch. Which is one of our most fragile and important  
5 watersheds in the county. And then the second property is on the Wheaten Moose  
6 Lodge in the Aspen Hill Master Plan. And this is to protect a road right-of- way. And the  
7 right-of-way and the location is shown on circle 13 of your packet. The Mitchell property  
8 is shown on circle 12. And I would recommend approval of both acquisitions.

9  
10 Vice President Andrews,  
11 Okay, there needs to be a motion in order to have this move forward. Is there a motion?

12  
13 Councilmember Trachtenberg,  
14 So moved.

15  
16 Councilmember Praisner,  
17 Second.

18  
19 Vice President Andrews,  
20 Okay, Councilmember Trachtenberg makes the motion. Councilmember Praisner  
21 seconds it. I see a couple lights; Councilmember Floreen and Councilmember  
22 Leventhal.

23  
24 Councilmember Floreen,  
25 Thank you. Mr. Grease I see is here. Mr. Grease, could you tell us are there structures  
26 on these properties?

27  
28 Mr. Grease,  
29 Neither of the properties before you today have structures on them; they're unimproved.

30  
31 Councilmember Floreen,  
32 The Moose Lodge doesn't?

33  
34 Mr. Grease,  
35 The Moose Lodge property -- .

36  
37 Councilmember Floreen,  
38 Is this where the lodge is?

39  
40 Mr. Grease,  
41 Not the part that we are buying. We are buying a portion of the Moose Lodge property,  
42 the rear portion. The lodge itself is located on the front of the property and is accessed  
43 from Bel Pre Road.



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1 Councilmember Floreen,  
2 Yeah, and that part will not -- .

3  
4 Mr. Grease,  
5 That part will not be affected by our acquisition.

6  
7 Councilmember Floreen,  
8 Okay, thanks.

9  
10 Vice President Andrews,  
11 Councilmember Leventhal.

12  
13 Councilmember Leventhal,  
14 I'm just stating for the record, as I said earlier at our lunch with the Planning Board, I will  
15 not be voting for any ALARF acquisitions until the PHED Committee has a discussion  
16 on July 28, so that we can better understand how we are determining priorities for this  
17 very, very large pot of money that we are now sitting on. And this is without prejudice as  
18 to -- I don't mean, Mr. Grease, to impugn your efforts. I know you take great care in  
19 assembling appraisals, and you try very hard to get the best value for the dollar. We  
20 learned during the difficult debate that we had over the last few weeks that the public  
21 does not understand that a gigantic pot of money is sitting there that can be used for a  
22 purpose when it is at the same time being told, well your kids' elementary school can't  
23 have a gym; and we're very sorry, we just can't get around to modernizing your high  
24 school; and we really wish we could do this. But we can't provide this service or that  
25 service. You know, we understand that there are different pots of money that are only  
26 available for certain purposes, but I think the public does not understand that. I'm not  
27 clear on how the Planning Board, and I do mean the staff as well, but I don't mean to  
28 question your good intentions here. But I don't understand the basis on which the  
29 Planning Board is setting its priorities, so I will not be voting for this acquisition or any  
30 other ALARF acquisitions until we have that discussion in the PHED Committee.

31  
32 Vice President Andrews,  
33 Okay. Thank you, Councilmember Leventhal. Councilmember Praisner.

34  
35 Councilmember Praisner,  
36 Yeah, in -- the Planning Board, I think, has laid out that the rationale for the purchase of  
37 this property that I think it's especially important because of its location in Paint Branch  
38 watershed that will be experiencing significant environmental impacts from the  
39 construction of the ICC. I feel it's important to acquire this property because the only  
40 other approach -- the other acreage purchased by the State Highway Commission was  
41 the 459-acre KC property. And this property is not located anywhere near the ICC. I feel  
42 it is important to acquire this property to mitigate some of the significant environmental  
43 impacts that will inevitably result from the construction of the ICC. I hope you'll  
44 encourage all my colleagues to vote in favor. Thank you.



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1  
2 Vice President Andrews,  
3 Thank you. I don't see any other comments or lights. And so all those in favor of this  
4 action to purchase the Mitchell property and the Wheaton Moose Lodge property with  
5 ALARF funds please raise your hands. All right. It's Councilmember Elrich,  
6 Councilmember Praisner, Councilmember Trachtenberg, Councilmember Floreen,  
7 Councilmember Berliner, and myself. And opposed? Councilmember Leventhal. The  
8 motion passes 6-1.

9  
10 Mr. Grease,  
11 Thank you.

12  
13 Vice President Andrews,  
14 Thank you. Okay the next item is action on a Zoning Text Amendment 08-04, Accessory  
15 Structures - Solar Panels. There is a PHED Committee recommendation, and Jeff  
16 Zyontz is here to deliver it.

17  
18 Jeff Zyontz,  
19 Thank you. If on Public Hearing we had Fenton Street Village Overlay day, this is  
20 accessory structure day for you actions on Zoning Text Amendments. This text  
21 amendment comes from Councilmember Berliner to allow solar panels in the side yards  
22 of residential lots if the side yard is not less than 70 feet, and if the distance between the  
23 side lot line and the structure is not less than 50 feet. The committee discussed this on  
24 May 2, and recommended approval of the ZTA with a number of amendments to allow  
25 polar ground mounter solar collections systems storage and distribution of solar energy  
26 for electrical generation, space heating, space cooling or water heating. And to allow  
27 that such that it could not be on building but either had to be pole-mounted or ground  
28 mounted. It also recommended just having the requirement that that structure be at least  
29 50 feet from the side yard, and not have the secondary condition of the distance  
30 between the house and the side yard. And with those amendments, the committee  
31 recommended approval by a vote of 3-0.

32  
33 Vice President Andrews,  
34 Okay. Thank you very much. Councilmember Berliner.

35  
36 Councilmember Berliner,  
37 I just thank the PHED Committee for their actions with respect to this. I think this simply  
38 corrects an anomaly in our law that doesn't permit these structures on the side yard; it  
39 permits them in the backyard, but not the side yard. And we've created a context in  
40 which we are not imposing neighbors by ensuring that the distance is such that it won't  
41 overwhelm anybody in keeping the height small. So I think this is good public policy.  
42 We've had unanimous support from the organizations involved, including Park and  
43 Planning. And so I would just ask for an aye vote.



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1 Vice President Andrews,  
2 Thank you very much. I don't see any other comments. This is a Zoning Text  
3 Amendment so it requires a roll call vote. Please call the roll.  
4

5 Council Clerk,  
6 Mr. Elrich.  
7

8 Councilmember Elrich,  
9 Yes.  
10

11 Council Clerk,  
12 Mr. Praisner.  
13

14 Councilmember Praisner,  
15 Yes.  
16

17 Council Clerk,  
18 Ms. Trachtenberg.  
19

20 Councilmember Trachtenberg,  
21 Yes.  
22

23 Council Clerk,  
24 Ms. Floreen.  
25

26 Councilmember Floreen,  
27 Yes.  
28

29 Council Clerk,  
30 Mr. Leventhal.  
31

32 Councilmember Leventhal,  
33 Yes.  
34

35 Council Clerk,  
36 Mr. Berliner.  
37

38 Councilmember Berliner,  
39 Yes.  
40

41 Council Clerk,  
42 Mr. Andrews.  
43

44 Vice President Andrews,



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1 Yes. The ZTA is adopted 7-0. All right. Thank you, Mr. Zyontz. Stay there for the next  
2 one. Okay. Agenda Item 20 is action on a Zoning Text Amendment 07-12 Accessory  
3 Structures - Size. The PHED Committee has recommendation for approval with  
4 amendments that Mr. Zyontz will describe.

5  
6 Jeff Zyontz,

7 Yes. When the Council adopted changes to the Zoning Ordinance to limit the size of  
8 accessory structures to 50% of the main building, I don't know that there was a  
9 contemplation of very small main buildings whereby you could do structures less than  
10 400 feet as an accessory structure. For somebody who wants to do a two-car garage  
11 that becomes impossible. What was proposed by the amendment was to create a  
12 system for the Board of Appeals to accept petitions for accessory structures that were  
13 larger than 50%, and then have them reviewed by the Board of Appeals. In the course  
14 of discussions with the committee and the Board of Appeals in work sessions, it was  
15 recommended that a simpler approach be taken and that an accessory structure be  
16 allowed that was either the greater of 600 feet or 50% of the main structure. And with  
17 that amendment, which simplifies this considerably for the sake of homeowner, the  
18 committee recommended on May 2 by a vote of 3-0 to support the ZTA as amended.

19  
20 Vice President Andrews,

21 Thank you. Any questions, comments?

22  
23 Jeff Zyontz,

24 There is one thing I would add that this just for everyone to know, that this has a 20-day  
25 enactment period. I was asked by others to point that out.

26  
27 Vice President Andrews,

28 Okay. Thank you. All right. I do not see any questions or comments. So this also  
29 requires a roll call vote. Clerk, please call the roll.

30  
31 Council Clerk,

32 Mr. Elrich.

33  
34 Councilmember Elrich,

35 Yes.

36  
37 Council Clerk,

38 Mr. Praisner.

39  
40 Councilmember Praisner,

41 Yes.

42  
43 Council Clerk,

44 Ms. Trachtenberg.



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1  
2 Councilmember Trachtenberg,  
3 Yes.

4  
5 Council Clerk,  
6 Ms. Floreen.

7  
8 Councilmember Floreen,  
9 Yes.

10  
11 Council Clerk,  
12 Mr. Leventhal.

13  
14 Councilmember Leventhal,  
15 Yes.

16  
17 Council Clerk,  
18 Mr. Berliner.

19  
20 Councilmember Berliner,  
21 Yes.

22  
23 Council Clerk,  
24 Mr. Andrews.

25  
26 Vice President Andrews,  
27 Yes. The ZTA is adopted 7-0. Thank you, Mr. Zyontz. All right, we're going to move right  
28 along to a briefing on the Montgomery County Detention Center reuse. We have some  
29 folks from the Executive Branch here to brief us on this, I see. And Linda McMillan of  
30 our staff as well, who has worked on this issue a long time. This issue has been before  
31 the Public Safety Committee over the years and there is currently a project in the  
32 Capital Improvements Program that the Council is fairly familiar with that would  
33 renovate the building and expand some of its uses. The Executive is interested in  
34 presenting a couple different options regarding this, and we have a presentation, I  
35 believe, from the consultant hired by the Executive to review the project. So I think we're  
36 going to begin with a presentation from the consultant, who can introduce himself to us.  
37 And we have Beryl Feinberg here from the Office of Management and Budget.

38  
39 Beryl Feinberg,  
40 Thank you, Mr. Andrews. CAO Time Firestine was expected to be here. And due to  
41 commitments across the street, he will be here but it may be a little later. On his behalf,  
42 I have some opening comments.

43  
44 Vice President Andrews,





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1 Okay.

2  
3 Beryl Feinberg,

4 Good afternoon. Thank you very this opportunity for the Executive Branch to update and  
5 brief the Council on the Capital Improvement Project Detention Center Reuse, project  
6 number 42955. The project's first appropriation of \$135,000 was in 1996 as per  
7 Resolution 13527. An independent consultant was authorized per Resolution 13356 "to  
8 assist them, DOCR, with review of the correctional and financial aspects of the  
9 correctional facility system," and was scheduled for completion in FY97. The results of  
10 that study are the guidepost for the design of the two-jail, two-location program. With the  
11 Rockville campus handling the full array of programs relating to the central processing  
12 function, as well as serving as a site for the 24/7 District Court of Maryland, Health and  
13 Human Services intake screening, and Suicide Prevention and Behavioral Health  
14 assessments, DOCR Pretrial Services, and next day court hearings, Public Defenders  
15 Operations, Centralized Property Storage, and prisoner release, and of course, jail  
16 booking, screening, and initial classification for those not released from CPU. Simply  
17 stated, the Seven Locks campus is not simply a short-term detention facility. It  
18 represents an essential component of the criminal justice operations. This year as the  
19 Executive learned that the project costs had clearly escalated, and with the same spirit  
20 as this legislative body mandated in 1996, the Executive initiated a comparative review  
21 of the project. An independent consulting firm, PFM, under the leadership of John Cape  
22 to my right, worked with county stakeholders and facility users in the Department of  
23 Correction and Rehabilitation, the police department, the office of the sheriff, the former  
24 Department of Public Works and Transportation, and the Office of Management and  
25 Budget to consider and evaluate potential alternatives to the approved capital project.  
26 Opportunities created by the late fall, early winter recommendations contained in the  
27 property use study afforded PFM and the work group to consider another alternative,  
28 which will be summarized for you today. This report compares four options. Option one  
29 is the current detention center reuse project approved in the FY09-14 CIP with the total  
30 project cost of \$38.449 million which renovates the current facility on Seven Locks  
31 Road. Option two constructs a new MCDC co-located facility in Clarksburg/Boyd's, and  
32 includes a DOCR training unit, and warrants and police fugitive unit. This new facility  
33 would be outside the current secured area. Option three also constructs a new MCDC  
34 at MCCF Clarksburg/Boyd's, but this is a single multipurpose facility with the building  
35 inside the current secured area. Lastly, option four demolishes the District One Police  
36 station, constructs a new MCDC on the former place station site, and includes a DOCR  
37 training site at Clarksburg. I want to take this opportunity to publicly thank my County  
38 colleagues for their hard work and candid look at other alternatives. Without the ongoing  
39 support of Art Wallenstein, W.L. Smith, Chief Manger, Drew Tracey, Darren Popkin,  
40 Hamid Omidvar, Ross Davenport, Kathy Shian and many others, this work could not  
41 have been done. My colleagues are here today and available to answer any specific  
42 questions. I want to personally acknowledge the support of Art. From the initial site visit  
43 to the MCDC campus with our PFM consultants, to several lengthy and very challenging  
44 meetings, Art never lost sight of the importance of this project to the more than 16,000



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1 arrestees who do not have a constituent voice, but pass through the CPU each year.  
2 Thank you, Art. Lastly, I want to acknowledge the participation of our state colleague,  
3 namely Commissioner Chuck Peters, who is also here in the audience with his  
4 colleagues. And now I'd like to introduce you to John Cape, PFM's Project Manager for  
5 this comparative operational and financial analysis of the Detention Center Reuse  
6 project. John is a national expert on state budgets and public policy with over 30 years  
7 in the public sector. He served as the budget director for New York State, overseeing a  
8 \$113 billion budget and a \$50 billion debt portfolio. From 1987 to 1995, John oversaw  
9 the state budget and program analysis for all of New York's criminal justice agencies,  
10 overseeing the expansion of the state's prison capacity, increasing it from 29,000  
11 inmates to over 70,000. He was responsible for the development of the Super Max  
12 design of New York, and built two facilities among the most secure and efficient in the  
13 nation. It has been a pleasure to work with John and his associate, Brad Freidman, over  
14 the course of several months. John will now take us through his PFM report. Thank you.  
15

16 John Cape,

17 Good afternoon. Thank you very much, Beryl. There's a lot of -- if we could begin on  
18 page two, please. There is a lot of information in this report. It is sort of more report-like  
19 rather than sort of a presentation Power Point. So if it's all right with you, given the  
20 exigencies of your calendar, I'm going to move you rather quickly through this material  
21 so we can get to the discussion. As Beryl mentioned, PFM examined the current MCDC  
22 project, as well as three other options. Two options related to centralizing all the  
23 correctional functions at a single location in Clarksburg. And one, a new purpose built  
24 MCDC facility located near the current site in Rockville. On page 3, this page recounts  
25 some of the cost history of the project that Beryl alluded to and recounts some of the  
26 issues that are related to the development of option 4. In terms of PFM's methodology,  
27 for operational issues, we worked with a group of stakeholders from the various county  
28 criminal justice agencies. For the capital costs, we retained a professional construction  
29 cost estimating firm, which was Alpha Corporation out of Baltimore, which has a lot of  
30 experience in public sector secure construction, including some in the Washington  
31 Metro area. In conjunction with Alpha, we developed capital cost estimates for the three  
32 options that were alternatives to the current CIP. In general, to just characterize what  
33 Alpha's results were. Alpha's estimates were lower than the County DPWT, primarily  
34 related to differences in the amount of the cost escalation over the timeframe of the  
35 project. The cost figures included in this presentation represent a midpoint between the  
36 high point, which is the DPWT estimate, and the low point, which is the Alpha estimate.  
37 And I think they give you a good order of magnitude for what the cost of these projects  
38 might be. But they are just that. They are just an order of magnitude where at the very  
39 preliminary or budgetary stage. And they are best used to compare the options to each  
40 other as opposed to making final decisions about the actual cost of the project if it went  
41 forward. Should one of the other options be selected, it's likely that more precise  
42 estimates would have to be developed before budget decisions could actually be made.  
43 On page 4, in terms of recommendations, I must tell you that the analysis on the data,  
44 after looking at it for six months and after, as Beryl alluded to in the introduction,



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1 building and opening over 26 correctional facilities, when you look at all of the factors,  
2 the data and the analysis simply do not suggest a clear and compelling option over the  
3 other ones. And so this is going to be an actual difficult and policy-oriented choice. I  
4 mean, option -- just sort of recap them, option one would produce, if you will, a new/old  
5 correctional facility. Option 2 represents all the logistical and operational issues of  
6 moving the criminal justice agencies up County and the construction demands of the  
7 site without realizing all of the operational efficiencies. Neither of these scenarios  
8 therefore is optimal. Option 3 is likely to be more efficient. It's the co-location of the  
9 facility, but presents the same operational, logistic and construction risks as option two.  
10 And lastly, option 4 overcomes the logistical drawbacks by remaining in Rockville, and  
11 the construction and future risks inherent in renovation of an older, existing facility; but it  
12 has the longest time horizon because it's dependent on the relocation of the exist -- and  
13 demolition of the existing District One Police station that currently is on that site.  
14 Moreover, from an annual debt and operating cost perspective, these options, as you  
15 will see in the presentation, are not remarkably different. Now all things being equal, I  
16 believe that over the time horizon that is the lifecycle of large facilities like this, the  
17 principle cost risk to the County is the operating cost. And in that, in general, a single  
18 multipurpose facility provides the best opportunity for cost containment. However, there  
19 were several factors that make Montgomery County unique. The first is its geography  
20 and demographics. Where there are long distances and congested transportation  
21 corridors between the concentration of arrest activity and the up-county correctional  
22 facility. The second is the difficulty of the expansion construction on the site in  
23 Clarksburg. The third is the very, unusually high level of pretrial release among  
24 individuals that are processed through your jail. While one jail should be more efficient  
25 than two jails, in Montgomery County, those economies are largely offset by the costs  
26 associated with transporting arrestees and prisoners an additional 17 miles. While  
27 adding on to a new existing facility should be cheaper over time than renovating an  
28 older facility, those savings are largely offset by the likely cost escalations over the  
29 additional time required to design and bid a new project, and by the site risks that exist  
30 in Clarksburg. So essentially, this decision comes down to a policy judgment that should  
31 be predicated on the County's tolerance for cost and operational risk, and on your  
32 capacity to mitigate them. On page 5, the County's criminal justice stakeholders clearly  
33 favor the two-jail system and with good reason. They have made it work efficiently and  
34 securely. And given the 46% prerelease factor, it's hard to argue against it. They also  
35 argue that co-location of a correctional training facility with the operating facility makes  
36 sense to them operationally, and it's, again, a policy call. Now let me turn to page six  
37 and begin to orient you as to what these actual options look like. Here you see the first  
38 schematic; this is the existing MCDC facility. It's about 180,000 gross square feet, and it  
39 would accommodate warrant and fugitive as well as correctional training functions  
40 through adaptive reuse of existing space. On page 7, you see the co-located option 2.  
41 The footprint drops down through design efficiencies to around 116,000 square feet up  
42 here at the top of the page, and it includes all of the MCDC functions plus the  
43 corrections training, and warrant and fugitive component. It's constructed outside the  
44 existing MCDC secure perimeter and will then be secured separately and connected to



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1 the MCCF via a tunnel that will permit some operational efficiencies. On page 8, you  
2 see option 3, slightly smaller at 112,000 square feet. This is the plan to expand the  
3 MCCF to accommodate a multipurpose custodial and detention operation. You'll note  
4 that the initial cell block that we would build on this site is the current space allocated for  
5 MCCF expansion capacity. This capacity would be replaced by new expansion space  
6 as part of the new construction. The new construction ties into MCCF via a ground level  
7 corridor right there. In this option, training and warrants could either be located in this  
8 facility or they could be located at another criminal justice location; when we get back  
9 into the cost figures, you'll see that there are options for both. Lastly, on page 9, you see  
10 a rendering of option 4, a new MCDC facility constructed to the north of the existing  
11 MCDC. This facility would occupy this site, which is currently occupied by the District  
12 One Police station. It is the smallest at 102,000 gross square feet, and includes all of  
13 the current functions of MCDC. However, I should note that the training component is  
14 assumed to be constructed separately at the MCCF in Clarksburg. Just looking at the  
15 two facilities you get an idea of design efficiency; although, the existing MCDC is larger  
16 because it would also accommodate the training facility, which is not shown here. On  
17 page 10, you see the assumptions that go into option four. Note that since it's  
18 dependent on moving the police station, it would not come online until 2013. The  
19 training component at MCCF could probably come online sooner since it would be a  
20 separate facility. At 192 beds, option four is slightly smaller, and incorporates a number  
21 of enhanced security features that are recanted for you on this page. On page 11, you  
22 see the estimates for options one through four summarized for you, basically the  
23 information that I have gone through. Because of the large number of factors that go  
24 into this consideration, on pages 12 and 13, we've tried to visually represent what these  
25 options provide in terms of a variety of factors. And if you look at page 12, the general  
26 categories, you start to see this sort of checkerboard that represents all of the pluses  
27 and minuses that we have discussed before in terms of the issues with each of these  
28 options. The financial block below that shows the capital cost appeal of option number  
29 one. The land and location blocks below that illustrate the drawbacks of the two up-  
30 county -- you can see right here in the middle a lot of red -- of the two up-county  
31 options. On page 13, the schedule continues. You see the schedule selection shows  
32 you the time advantage again of option 1. And the two functional boxes depict the  
33 operational issues that are related to the location. On page 14, we show you the critical  
34 paths for the timeframe to construct each one of these options starting with the current  
35 CIP, the MCDC project at the top. For options 2 through 4, they assumed that siting and  
36 funding decisions are made without delay. While the dates at the top of this graphic are  
37 a little out of date, the number of months you can see here through each one of these  
38 options, the number of months remain accurate. And you can see, obviously, the  
39 shortest time to construct is option one, the longest time to construct is option four,  
40 which requires the existing MCDC to remain online for the longest period of time of the  
41 alternative options. On page 15, this depicts a cost comparison of the project. Again,  
42 remembering that these -- for the alternatives, these numbers represent that order of  
43 magnitude midpoint that I had talked about before. Let me just sort of orient you to this  
44 chart. As you can see on this first line here, this is the raw cost to construct each one of



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1 these facilities. On the second line, you can see the considerable impact of the time --  
2 the impact of cost escalation given the extra time required to design and construct these  
3 facilities. The next two lines show the assumed capital cost of keeping MDCDC online,  
4 about \$2.2 million dollars, and the various costs associated with the training options.  
5 That brings you to the middle of the page; give you a subtotal of the cost to construct  
6 each one of these projects. And you can see that while they vary greatly, option one  
7 considerably less expensive. The three other options don't vary dramatically in terms of  
8 that cost. The next line down, estimated State aid. This is the estimated State aid for the  
9 existing CIP. The assumption here is that the State would continue to support, you  
10 know, a jail construction project in Montgomery County, and for the purposes of  
11 estimate, we simply used the same amount. This gets you to the net county cost. This  
12 last line, again a midpoint, represents the value of the land in Rockville that would be --  
13 if it were to be privatized that is, the facility would be razed and the land would be sold,  
14 is approximately \$8.3 million. If you deduct -- assume you would deduct that from the  
15 cost of constructing the facility, you'll get down to the cost that would actually be the net  
16 County cost to build these four options, and each one of these represents, we assume,  
17 the amount that would be bond financed by the County. So the last item down here at  
18 the bottom is the estimated debt service for 20-year bonds at the County's current  
19 trading range. And lastly, always a phrase that draws a lot of applause in presentations  
20 like this, on page 16, you see an illustration of the potential operating costs, including  
21 the debt service. The operating budgets are based on the current budgets for MDCDC  
22 and MCCF, with the percentage of reductions taken in the MDCDC line that approximate  
23 what operating economies would be. Under options 2 and 3 in the middle here, you see  
24 that there are a lot more numbers. And those represent the operational and logistical  
25 issues that are involved in moving the facility up county. The \$740,000 police cost is a  
26 rough justice calculation of the time off post that is assumed would have to be covered  
27 by either officers on overtime or with additional hires while those officers on patrol  
28 transported arrestees to Clarksburg for booking. The \$220,000 in taxi vouchers is the  
29 approximate cost of allowing people released from the facility at Clarksburg to return to  
30 their homes. And the \$200,000 is an estimate of additional public transportation costs to  
31 run to and from Clarksburg five hours a day. All of these are rough estimates at best;  
32 and there may be others. But they give you a sense that there are costs associated with  
33 creating a central campus in Clarksburg. And as you can see from looking at this chart,  
34 the operational costs pretty much offset and negate the operating efficiencies of  
35 creating a consolidated campus. The debt service numbers are the same numbers that I  
36 showed you on the previous page. And down at the bottom here is just sort of a  
37 placeholder to remind all of you that if the land in Rockville were cleared and privatized,  
38 there would be some tax revenue that would result from the new occupancy of that  
39 facility. It's really too speculative to figure out exactly what that would be. So we just  
40 wanted to make note of it. So that brings us to the proverbial bottom line. A rough  
41 depiction of, you know, what these costs -- what the costs of these four options would  
42 be over time. You know, and again, these are relative so that you get a sense the actual  
43 cost is likely to be different, but it gives you a sense for the difference in these  
44 scenarios. And as you can see, at the end of the day, there is not much difference



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1 between these scenarios. And as a result, the decision on this facility really comes  
2 down to a policy decision, and should be made based on the highest and best use of  
3 the County's capital dollars in your criminal justice institutions. This concludes my  
4 presentation. I'd be happy to take your questions.

5  
6 Vice President Andrews,

7 Thank you very much. I have enjoyed a chance to meet over the last few months, and I  
8 appreciate that excellent presentation; very well organized and concise and easy to  
9 follow. And I appreciate the presentation. I'll give my reaction to it, and then turn to my  
10 colleagues and see if they have any questions or comments. The Public Safety  
11 Committee and Council have a long history now with this project. And I would have to  
12 say that given that about 40% of arrestees, my understanding, never go to Clarksburg  
13 from the Central Processing Unit.

14  
15 Unidentified,

16 That's right.

17  
18 Vice President Andrews,

19 They are released into the community for whatever reason in order to ensure that the  
20 handling is appropriate. We have a very high level of that, which is a tribute to the good  
21 management of our Correctional Department. And so it would create, I think, real  
22 inefficiencies to have police officers taking arrestees to Clarksburg for processing, and  
23 then having as well almost half, 40% of those folks have to make their way back down  
24 to wherever they had been arrested from. So the travel time for officers and for those  
25 arrested, as well as the increasing fuel costs, I think, have to be a huge consideration of  
26 the efficiencies. The other -- so for me, option two and option three are really out for that  
27 reason. It doesn't make sense to put the CPU, other than centrally in the county, which  
28 is where it is -- it's currently in a central location at MCDC. And so in terms of option one  
29 and option four, I would grant you that all things equal, it is better to have a new  
30 building, and one that is expressly designed for exactly what you want to do. But the  
31 cost in the capital cost is substantially different. The operating costs you have laid out  
32 think would be roughly the same for each of these options. But there is a significantly  
33 increased capital cost for option four over option one. We have a good solid estimate for  
34 option one, which is the current plan, which is about \$38.5 million. And we have a bid  
35 already, and we feel that that is reliable and likely to be close what it would turn out to  
36 be. And we have an estimate based on your careful work that option four would be  
37 approximately \$65 million to construct, given the element of time and inflation. And that  
38 is a significant difference. It's about \$27 million, particularly in a time where our budgets  
39 are so tight, and we are already delaying capital projects, such as high school  
40 modernizations and others as well. And so I am not persuaded that the case has been  
41 made to go with the different option, other than the current plan. I think there would  
42 have to be a very compelling case and I haven't seen it. And these factors lead me to  
43 conclude what I feel is that the County should continue to move forward with the current  
44 plan, which has been well vetted, has received \$9 million in State aid for this particular



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1 proposal, has the advantage of being constructed years ahead of certainly option four,  
2 and would be significantly less expensive in terms of capital cost. So that is where I am  
3 after hearing the presentation on it, had the advantage of hearing it before, essentially,  
4 without much change, I think, from what you presented today. So I had a little head  
5 start, I think. But that's my initial reaction to it. And I want to open it up to my colleagues  
6 to see if they have any questions about the report; any comments at this time? No,  
7 okay. Well, we have -- I would like to recognize Tim Firestine, our Chief Administrative  
8 Officer has joined us, and ask if he would like to make any comments.

9  
10 Tim Firestine,

11 I would and first of all let me say we appreciate that you scheduled this on your busy  
12 schedule. I think a lot of good work has been put into looking at the options. And what  
13 Mr. Leggett asked was that we present this work to you, so that, you know, as we have  
14 in other instances, that it gives you an opportunity to at least weigh an alternative. I think  
15 it certainly, you know, when you look at option one, and I think we've pretty much ruled  
16 out the other two options for the reason you stated. But in looking at the difference  
17 between option one and option four, we thought that -- I think it's a bit closer than you've  
18 characterized it in the extent that a lot of the added cost in option four has to do with  
19 contingencies and inflators that -- there's a risk to that estimate. We don't know if it's  
20 that high. I don't think it would be higher. But the point was that if we're going to do this,  
21 it might make sense to do it right and do new construction.

22  
23 Vice President Andrews,  
24 Definitely want to do it right.

25  
26 Tim Firestine,

27 The Executive's concern is, you know, working under the current project or option one,  
28 there is a lot of uncertainty. While we do have a bid in hand to construct the project,  
29 we're working on an older building. An existing building wasn't necessarily designed for  
30 the purposes that we have here. And also, option four did give us an opportunity to take  
31 a fairly sizable piece of land and make it available for other uses possibly, including  
32 housing. So we thought there were sufficient positive aspects about four -- option four  
33 that we had hoped that, you know, at least you would listen to it and maybe there would  
34 be a spark there, and you would be persuaded by going that direction. But certainly, we  
35 know it's a close call. And what I'm hearing you say is option one seems to be your  
36 preference.

37  
38 Vice President Andrews,  
39 It is my preference. There are a couple of lights now. And will go to Councilmember  
40 Leventhal, and then Councilmember Trachtenberg.

41  
42 Councilmember Leventhal,

43 Well I would just share with my good friend Tim Firestine that if the Executive Branch  
44 has a view about something, it would be useful if they expressed it.



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1  
2 Tim Firestine,  
3 I think I just did.

4  
5 Councilmember Leventhal,  
6 No, it didn't sound like it. It sounded like you kind of felt like option four was better, but  
7 you weren't really willing to come out and say so.

8  
9 Tim Firestine,  
10 Well I believe we feel option four is the better option.

11  
12 Councilmember Leventhal,  
13 Well that's a clearer statement that what you just said before. Thank you.

14  
15 Vice President Andrews,  
16 Councilmember Trachtenberg.

17  
18 Councilmember Trachtenberg,  
19 Thank you, Vice President Andrews. Just a quick question, and again I appreciate the  
20 information provided today. And certainly I had the benefit, as I know my colleagues did,  
21 of an individual presentation quite a while back. The question that I have relates to the  
22 timing issue and the feasibility of option number four given the time delay. I wondered if  
23 we could have some commentary on that, because in my mind that's a very important  
24 factor to weigh, and it's one of the reasons why I actually do have hesitation around the  
25 fourth option. I would agree with my colleague, the Vice President, around options two  
26 and three.

27  
28 Tim Firestine,  
29 Well, and maybe somebody else can give a better answer than I can. What I would  
30 suggest, however, is remember the uncertainty with option one is the fact that, I mean,  
31 we're not sure what they will encounter during the construction phase or renovation of  
32 the existing property. And you probably have to say there's less uncertainty there than  
33 there with respect to option four, which adds time, which is your point. What does time  
34 mean? Well, certainly, it could mean cost, but in the end, you might end up at the same  
35 place, depending on what you find in option one. Option four gives you what you really  
36 need. You can design -- you can do your program requirements, you can build a  
37 building, it's new construction, it will last longer. So, I think that's -- that's why I put these  
38 out there. Mr. Leventhal asked for our opinion. We truly feel that -- I do -- that option  
39 four is the better alternative. But it's not that if you choose option one you'd be making a  
40 bad choice. It's just weighing the risks of the two and then making a decision. But  
41 certainly, I think option four gives you truly what you want, which is a new building  
42 designed the way it should be, for a very efficient CPU. Option one has a lot of  
43 uncertainty too.





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1 Councilmember Trachtenberg,

2 Well, the other part of that though is the time constraint. The fact that there might be  
3 additional time and what impact does that have directly on operations? In other words,  
4 I'd be curious about the urgency relating to the operations themselves.

5  
6 Tim Firestine,

7 I believe we've added some costs.

8  
9 John Cape,

10 Right, as I mentioned there's \$2.2 million for a series of renovations because this is a  
11 mission-critical facility, you're exactly right. We have to make sure that we can maintain  
12 it, staying online during the construction period. And DPWT has developed a series of  
13 items that they would do to MCDC during that -- during that period to make sure that it  
14 remained on time. You know, and clearly, as Tim mentioned, you would -- you would  
15 solve a lot of the old building problems in this \$38 - \$40 million renovation. But having  
16 renovated old jails, having turned old psychiatric centers into jails, I almost always live  
17 to regret it, because the vulnerability is at the end of the day you -- with a new facility  
18 you have uncertainty that's related to time. That certainty -- uncertainty ends when you  
19 break ground. When you renovate an old building the uncertainty never ends. Again, it's  
20 a mission-critical facility with 200 beds in it. If you have a sewer line collapse and have  
21 to take those 200 beds offline, you know, that is a, you know, a very vulnerable situation  
22 for the County, and one that leads to a lot of expense. So I think you have to sort of look  
23 at the long, you know, at the long haul in terms of the highest and best use of those  
24 capital dollars. In the short term, to answer your question, we believe that the cost is  
25 \$2.2 million, and that's included in the cost comparisons.

26  
27 Councilmember Trachtenberg,

28 Okay, thank you.

29  
30 Tim Firestine,

31 One other consideration, and I guess it's more an opportunity when you sort of weigh  
32 the comparison between these two options, and that is the fact that, while time has cost  
33 associated with it, it also would free up in the short term, resources in the Capital  
34 Budget, I think about 17 million, that could be used for other purposes. Just something  
35 to -- .

36  
37 Vice President Andrews,

38 That's making lemonade out of -- well yeah. But it's going to cost you more, three or four  
39 years from now in the Capital Budget.

40  
41 Tim Firestine,

42 I'm just -- it just -- the reality is you do get 17 million more in the short term, until this is  
43 programmed into the Capital Budget.



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1 Vice President Andrews,  
2 Sure. Okay. Councilmember Leventhal.

3  
4 Councilmember Leventhal,  
5 So option four would put the short-term holding facility right next to Falls Grove --  
6 immediately adjacent to Falls Grove; is that correct?

7  
8 Beryl Feinberg,  
9 No, it would be -- it would be down on the same tract of land -- I'm sorry, Mr. Leventhal.  
10 It would all the way down where the District One Police station is. If Linda could bring up  
11 the -- .

12  
13 Councilmember Leventhal,  
14 Oh, it's the same parcel.

15  
16 Linda McMillan,  
17 Same parcel, yes.

18  
19 Beryl Feinberg,  
20 Yes, just down at the end of that dead-end road.

21  
22 Councilmember Leventhal,  
23 It's up at the north end of Seven Locks Road?

24  
25 Beryl Feinberg,  
26 That is correct.

27  
28 Councilmember Leventhal,  
29 Okay. I was confused.

30  
31 Beryl Feinberg,  
32 It's by the Falls Ridge community where it is now.

33  
34 Councilmember Leventhal,  
35 So what is the decision point here? We've approved a PDF. The PDF basically  
36 describes option one, for the most part.

37  
38 Linda McMillan,  
39 Yes, the PDF approves option one.

40  
41 Councilmember Leventhal,  
42 So that the only way to change that now would be to -- if we were to go with option four,  
43 which Mr. Firestine has endorsed in response to my question, we'd have to adopt a new  
44 PDF.



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1  
2 Linda McMillan,

3 Yes, you would need to amend the CIP, and you would need to have a discussion with  
4 the State about whether the State funds could be used for option four.

5  
6 Councilmember Leventhal,

7 And so is this going to come -- is this before us now for decision? Is it going to come  
8 back before us for decision?

9  
10 Vice President Andrews,

11 Well it depends on the will of the Council really.

12  
13 Councilmember Leventhal,

14 I think the Chair of the Public Safety Committee would have a major role in that.

15  
16 Councilmember Trachtenberg,

17 I think so.

18  
19 Vice President Andrews,

20 Yes, but it's a -- five members of this Council make the decision. My belief is that we  
21 should do what five members of the Council think we should do this. I will not be one of  
22 the five if there were a decision to deviate from the current plan, because I think the  
23 current plan is solid. And we've already spent money on it, which is another cost that  
24 isn't quite calculated in here.

25  
26 Councilmember Leventhal,

27 Is it the Chairman's intent to have a discussion of this in the Public Safety Committee?

28  
29 Vice President Andrews,

30 We actually have already. And I -- the Public Safety Committee has not been persuaded  
31 to go a different route. I think Councilmember Elrich can speak for himself.

32  
33 Councilmember Elrich,

34 I wasn't persuaded.

35  
36 Councilmember Leventhal,

37 Okay. So understanding a little bit about Council protocol here, it sounds like this may  
38 be our last discussion, and for the time being the PDF would just proceed as already  
39 agreed to just a few weeks ago.

40  
41 Vice President Andrews,

42 That would be my preference to go forward with it, unless there is a movement on this  
43 body to go in a different direction. And it's the majority rule here. But I think I would not  
44 recommend going in that direction for all the reasons I laid out. I think the costs are



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1 uncertain. There's certainly more. And -- yes, you certainly may; Councilmember  
2 Praisner.

3  
4 Councilmember Praisner,  
5 This is my first exposure to this recommendation, and there's absolutely no way that I  
6 could vote yea or nay on it today.

7  
8 Vice President Andrews,  
9 That's fair. And so, yeah, I'd agree we're not making a decision today. But I think this is  
10 good to get the issue before us, and we can grapple with it over the next few weeks.

11  
12 Councilmember Leventhal,  
13 Okay, I guess I would just reiterate, in case my point wasn't clear, if the Executive  
14 Branch really cares about this outcome, it would need to make a strong case for its  
15 point of view. And what I heard was a very careful and thoughtful analysis of pros and  
16 cons of a variety of different options. And your first statement, Mr. Firestine, was a fairly  
17 tentative sense that, you know, you're seeing different options, choose the one you  
18 want. It's a close call, but we tend to think option four is better. If that -- it would take  
19 more than that from the Executive Branch, I think, to change things at this point. That's  
20 obviously already clear to you.

21  
22 Tim Firestine,  
23 I think the challenge here, quite frankly, is there's a project, it's approved, it's in place.  
24 Everybody worked hard to get it where it is, and the easiest answer to this question is  
25 just go ahead. What we're saying is we stopped and said because it was a project that  
26 started at a low cost, 17 million, is now up to 38 million, the Executive said is that still  
27 the right option. And, you know, we've looked at these other options. You've been  
28 through them. And I think where we came out is because of, you know, where we are;  
29 four does seem to make sense. We think in the long-term interest of the County, if we  
30 look beyond where we are, rather than a temporary interim solution won't have -- well  
31 it's not really temporary. It is a solution, option one. But it has characteristics that aren't  
32 quite as permanent or as efficient as a new -- reconstructed building put together the  
33 way it should be put together, as option four would be. So that's why I'm a little tentative  
34 is because we -- compared to other projects that you've looked at, you're well into this  
35 project. I mean, the option one, its bid. You know we have a bid in hand. We could  
36 proceed today. But we thought there was a compelling enough case in option four to  
37 say this is important for you to stop and think about that. But, you know, if it's the  
38 Council's preference, you know, if you take no action then we'll proceed along the lines  
39 of option one.

40  
41 Councilmember Leventhal,  
42 Well the Executive potentially has a role in shaping the Council's preference; that's the  
43 point I'm trying to make.



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1 Tim Firestine,

2 Well that's what we're saying. You know, we think option four for the long term is the  
3 better solution, or else we wouldn't be here.

4  
5 Vice President Andrews,

6 How much has been spent so far on option one?

7  
8 Linda McMillan,

9 The PDF has about 3.3 spent through Fiscal '07, and then whatever was to be spent in  
10 '08 is sort of minimal, it looks like, because we didn't move to construction. So it's  
11 probably under \$4 million, I would guess.

12  
13 Vice President Andrews,

14 Okay. Well whatever that amount is it really should be subtracted from this in terms of  
15 the comparison, because the other project is unspent, new money. We've already spent  
16 -- we're looking at spending, if we do option one, an additional \$35 million then, right?

17  
18 Linda McMillan,

19 What you would have in the total cost would still be \$38.

20  
21 Vice President Andrews,

22 Yes, that's correct. But I'm saying we've already spent -- you would add in effect -- .

23  
24 Linda McMillan,

25 You would have a sunk cost.

26  
27 Vice President Andrews,

28 If you choose other options, you add 3 million in sunk costs.

29  
30 Linda McMillan,

31 You would have a sunk cost of \$4 million.

32  
33 Vice President Andrews,

34 To get a fair comparison. Okay. All right. Well, I don't see any other questions or  
35 comments at this point. And we will talk with our colleagues, and I'm sure you will too.

36  
37 John Cape,

38 Okay. Thank you very much. Thank you for hearing us out.

39  
40 Vice President Andrews,

41 We're going to move on now. And thank you, Mr. Cape. Nice to see you again. We're  
42 going to move on now to an update on the status of the water main break that occurred  
43 Sunday evening. And we have representatives, I believe, from WSSC here to update  
44 us, and from HHS. And we have our Chief Administrative Officer who will remain with



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1 us, Tim Firestine. And we may have some other representatives as well. So I would  
2 invite those who are here to come up to the table and give us an update on -- okay,  
3 good. Nice to see you, Gordon.

4  
5 Gordon Aoyagi,  
6 Good afternoon.

7  
8 Vice President Andrews,  
9 Okay. All right. I see we have the Chair of WSSC, Adrienne Mandel, welcome. All right.  
10 There we go. Okay. Well as everyone is aware, there was a major water main break on  
11 Sunday evening around 9:00, discovered around 9:00, 9:30, and has caused a lot of  
12 problems in the County. And that's an understatement. And we're still dealing with the  
13 aftermath of it. I know there are a lot of interests and concern from the community about  
14 this, as from Councilmembers. And I want to first start off with an opportunity for those  
15 who have joined us to give us an update -- to update us on what is going on now, and  
16 what we expect in the next couple of days, and then what we're learning from all of this.  
17 So Mr. Firestine, would you like to begin? Actually, let's have everybody introduce  
18 themselves for people listening in.

19  
20 Gordon Aoyagi,  
21 Gordon Aoyagi, Homeland Security Director.

22  
23 Tim Firestine,  
24 Tim Firestine, Chief Administrative Officer.

25  
26 Dr. Dr. Ulder Tillman,  
27 Dr. Dr. Ulder Tillman, County Health Officer.

28  
29 Adrienne Mandel,  
30 Adrienne Mandel, WSSC Chair, and Montgomery County Commissioner.

31  
32 Teresa Daniel,  
33 Teresa Daniel, Interim General Manager WSSC.

34  
35 Karen Wright,  
36 Karen Wright, Systems Control Group Leader with WSSC.

37  
38 Vice President Andrews,  
39 Welcome. Good afternoon everybody. Okay.

40  
41 Tim Firestine,  
42 Well again, thank you for inserting us in your schedule today. We just thought because,  
43 you know, the continuation of the impact of this issue on the community we'd take this  
44 opportunity to brief you on the status, and also to answer any questions that you might



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1 have. I think we're going to start with a discussion first about what is probably on most  
2 people's minds, which is, you know, when will the boiled-water alert be lifted? What's  
3 that timeframe? And how does that relate to the testing cycle? So I thought we'd start  
4 first with WSSC describing the testing cycle, you know, how long it takes for the  
5 different tests, and maybe what the earliest time is that the boiled-water alert could be  
6 lifted. And then we'll hear from HHS on sort of the impacts we're dealing with, especially  
7 with the food service facilities. So I'll turn it over first to WSSC.

8  
9 Teresa Daniel,

10 We started the testing yesterday afternoon. What we do is we collect samples -- 18  
11 different samples, Karen, that's correct -- after the system was fully charged and the  
12 water was back up. Then we collect samples. It takes 24 hours for the whole process,  
13 for the sample to work through. So we collected and had them ready to start at 1:00  
14 a.m. this morning. So it will be 1:00 a.m. on Wednesday morning when we get our first  
15 results back. Of course we coordinate with MDE, who advises us on the process for  
16 when we can lift the boil-water advisory. They recommend and prefer that we do two  
17 consecutive samples which come back negative for bacteria before it would be  
18 recommended to lift that boil-water advisory. So our second samples were taken today  
19 and should have been set sometime between 1:00 and 3:00. I'll know for sure when I go  
20 back. Which means tomorrow afternoon, will be the second, hopefully consecutive set  
21 of sampling that we can get results on. And then we'll be able to make a  
22 recommendation on lifting the boil-water advisory. Karen, do you want to add anything  
23 to what I've said? I think I've summed it up, but she's my real expert on that.

24  
25 Vice President Andrews,  
26 Okay.

27  
28 Karen Wright,

29 We're also doing additional samplings for chlorine residual. On all of the samples that  
30 were taken yesterday afternoon, once the system was back into a positive storage, the  
31 chlorine residuals were strong in all of those places. We're continuing to monitor for the  
32 chlorine today. And I've gotten an update since, just moments before I walked in the  
33 door; the samples are being collected and it is actually a little bit later than 2:00 or 3:00  
34 with traffic and what have you, so they'll be set and they'll be ready to read, and we'll be  
35 able to meet and discuss with MDE tomorrow, early evening.

36  
37 Vice President Andrews,

38 Okay. I know many, many thousands of county residents are following this closely, and I  
39 think it would be worth reminding folks what they should be doing right now in terms of  
40 practices and avoidances. I happen to be in that area that's covered by the alert, so I  
41 join thousands and thousands of other county residents in that. So what should  
42 residents who are in the effected area be doing until the tests come back tomorrow  
43 afternoon?



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1 Karen Wright,

2 Well, the boil-water alert is to boil the water for an hour -- not for an hour, for a minute,  
3 and then have it cool off before you use it. It's safe to shower in. Boiled water is for  
4 consumption, for cooking with, and washing dishes with. There's chlorine in the water,  
5 as far as showering and what have you, so there shouldn't be a concern that way, as  
6 long as you're not ingesting your shower water.

7  
8 Vice President Andrews,

9 Anything else in terms of restrictions or use.

10  
11 Tim Firestine,

12 You can hear from the Health Department on that issue.

13  
14 Vice President Andrews,

15 Yes.

16  
17 Tim Firestine,

18 Before we go there, I just want to be clear from the testing perspective that nothing will  
19 be cleared by MDE or WSSC until two consecutive tests have come back with all of the  
20 test results, my understanding is, showing negative; meaning there is no bacteria in the  
21 water.

22  
23 Vice President Andrews,

24 And when is the earliest that could be?

25  
26 Tim Firestine,

27 Well, when these last tests are set, it would be sometime late tomorrow afternoon.

28  
29 Vice President Andrews,

30 That you would have the second round of tests and could make a decision.

31  
32 Tim Firestine,

33 Right. Now but it's my understanding the first round of tests come back tonight, or early  
34 morning, 1:00 a.m. And if the first round of tests would show positives, meaning there  
35 are bacteria in the water, then you have to wait for two more complete cycles.

36  
37 Vice President Andrews,

38 That would push it back at least 12 to 24 hours.

39  
40 Tim Firestine,

41 That's correct.

42  
43 Vice President Andrews,

44 Okay. All right. Well, let's hear from our other panelists. Dr. Tillman.





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Dr. Ulder Tillman,

Just to more fully answer your question in terms of the recommendations to our consumers. It is true, that under a boil-water notices, they should let the water come to a full rolling boil for one full minute and then allow that to cool, so that they can do that they can cook, drink, consume that water, including brushing their teeth. They can do that. They also need to be aware that if their ice makers at home have been functioning that they need to turn those off. They are going to disinfect those ice-making components of their refrigerators. And then when we have the all-clear notice that the water is pure, then they need to just throw out the first two productions from their ice makers so that is safe. And that applies also to our food service facilities also that have ice makers; that they do need to stop using them and disinfect them, and wait until they have the all-clear. The challenge that we have had, particularly in terms of in addition to our residents and our consumers, are the food service facilities that we have in the area. Once we got the map of WSSC in terms of the effected areas, which covered mainly Gaithersburg, Germantown, Olney, we've identified that we have about 900 food service facilities affected that are in the area most of them are restaurants. We have probably contacted about 85% of all those food service facilities that had someone who would answer the phone twice; yesterday when we were telling them that they needed to shut down their food handling in preparation operations. And we are continuing to contact them throughout the day and to respond to their questions. Department of Health and Human Services had opened a hotline, if you will, at our Dennis Avenue site. And yesterday we received about 106 calls on Monday. But once we had our press release last evening, in the first hour of operation today, we received 131 calls, and by 9:30 this morning that had gone up to about 179. We have both those cover staff covering that hotline to answer questions. And we have our environmental health inspectors half of them are in the field trying to contact our food service facilities as well. And when I say food service facility, I'm talking more than just our restaurants and our food markets; this also includes our bakeries, our fast food outlets, and our mobile trucks as well are included in that category of food service facilities. So they all are under the impact of this major water main break in terms of not being able to sell and prepare food unless they are in a situation where there are fresh fruits and vegetables that are not washed or misted by the food service facility; or if they have the prepackaged. That means foods that are in the original package that they can just give to the consumer without opening. Those are the only conditions in which they really can operate here.

Vice President Andrews,

Okay. I wanted to clarify about the city of Rockville and how it's been affected. I understand that most of the city of Rockville is not in WSSC's -- not served by WSSC, but part is; correct? I believe King Farm is served by WSSC, which is in the city of Rockville. So I know that generally it's been reported that the city of Rockville is unaffected by this, but it's only true for most of the city of Rockville; that's correct right?



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1 Gordon Aoyagi,

2 That is correct. The one section that -- the city of Rockville has its own water treatment  
3 plant. It is in fact connected if need be to help support portions of the WSSC system.  
4 But on the other hand, it is totally separate and operates separately. You are exactly  
5 right, Councilmember Andrews; there is a portion on the edge of Rockville that is not  
6 included and that is the King Farm.

7  
8 Vice President Andrews,  
9 That's in the city.

10  
11 Gordon Aoyagi,  
12 It's in the city of Rockville but it served by WSSC.

13  
14 Vice President Andrews,  
15 Okay, thank you. Chairman.

16  
17 Adrienne Mandel,  
18 Mr. Andrews, I believe that not only is the Council receiving this briefing today, but  
19 many of our rate payers will be tuning in. I believe this will be on County Cable.

20  
21 Vice President Andrews,  
22 And it's live, yes.

23  
24 Adrienne Mandel,  
25 And therefore I would like to request on behalf of our rate payers that Dr. Tillman give  
26 us a little bit of a description of what is meant by disinfecting the refrigeration system of  
27 the icemaker, because that might be helpful and that might preclude receiving a lot of  
28 calls, what do you mean we have to disinfect? If you wouldn't mind.

29  
30 Dr. Ulder Tillman,  
31 I will try to answer that as best I can. There are many different models that are out  
32 there. But primarily, the homeowner does need to identify where the valve is that they  
33 can turn off the icemaker so that it's not working. I know, mine is just a lever that lifts  
34 and it shuts it off. But then when I talk about disinfecting, you've got to throw out  
35 whatever ice is there. And then you can use a very weak, like a 1 to 10% weak bleach  
36 solution that is diluted in water to rinse that out, and then let that dry. And then when  
37 you have the all-clear, then you can turn back on your machine, but you should dispose  
38 of, throw out the first two productions of ice that come out of that icemaker. And most  
39 people will need to check their manufacture's directions in terms of what the  
40 maintenance procedures are for handling icemakers, because I know they vary.

41  
42 Vice President Andrews,  
43 Okay. Is there anything that any of the other panelists want to say up front to get out  
44 there right away before we go to questions?



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1  
2 Tim Firestine,

3 I would just like to add one other thing. This issue of requiring two cycles of testing to  
4 get the all-clear, that was new information when we presented this issue last night. We  
5 thought one round of 24-hour testing would be sufficient. So the timeline is a bit longer.  
6 The Executive certainly remains concerned about food service facilities that are closed  
7 during this period of time. And I will say that we are exploring other options to see if  
8 there is, you know, a possible way that some or all of these facilities could open under  
9 some different scenario, but we are still working on that.

10  
11 Vice President Andrews,  
12 Okay.

13  
14 Gordon Aoyagi,

15 And perhaps if I could just put the emergency in a larger context, if I may. WSSC had  
16 three breaks within a 24-hour period. And for them to be able to restore that service,  
17 particularly a 48-inch line within a 12-hour period, including not only isolating the break,  
18 but then restoring the pressure back into the line, and then being able for us this  
19 morning to be able to turn on the lights and turn on our water. Although we had to boil it  
20 in order to drink it, or if we had our bottle of water, everything would have been normal. I  
21 think that that's a pretty significant effort on the part of WSSC to restore that water as  
22 quickly as possible. The other thing is, is we know that when -- as soon you lose water  
23 and water pressure, the first thing that has to be restored, of course, is your fire  
24 suppression capability. And it was this Council that helped the Fire and Rescue Service  
25 purchase the seven water tankers in order to get a good water supply response. As  
26 soon as that pressure was lost, the fire service was able to put in the rural water  
27 response for any fire that might have occurred throughout Montgomery County so that  
28 there was nobody placed at risk for loss of water pressure. In addition to that, the  
29 excellent work that we had with hospitals we were notified very early about the loss of  
30 water in Montgomery General; subsequently, Shady Grove Adventist lost water  
31 pressure as well. The other collaborative hospitals that are part of our network worked  
32 very closely with the two hospitals. Of course, the hospitals themselves did  
33 extraordinary work in order to bring themselves back online. The Fire and Rescue  
34 Service even provided additional water to those hospitals with the tankers so that they  
35 could do their cooling. And so it was a good effort on the part of everybody to ensure  
36 that the critical structures that were necessary to maintain health and safety for the  
37 community were put into place. Of course after the break was isolated, we began  
38 restoration the issue that was continuity of service. Within our existing County buildings  
39 that were closed as a result of the water break, we wanted to be in a situation to be able  
40 to provide that services this morning, so many of the departments quickly put into place  
41 the purchase of water. Or if they had water already available, they could continue the  
42 service with their employees, as well as to the public. So this morning all buildings  
43 opened up with the capability of maintaining the level of service, including the capability  
44 to conduct the elections that were scheduled for today as well. And then of course we



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1 were in a position to, if any area, low-income or otherwise, felt that they needed bottled  
2 water, through our Department of Liquor Control we were able to purchase some  
3 additional water supplies that if need be we would be able to deploy that. And so, again,  
4 an overall countywide response, and again, it speaks well to the collaborative support  
5 that we get from the departments as well as the leadership of our County Executive and  
6 CAO.

7  
8 Vice President Andrews,  
9 Thank you. I agree with your assessment of the performance of the agencies. Madam  
10 Chair, did you want to add anything?

11  
12 Adrienne Mandel,  
13 Mr. Aoyagi has preempted my commendation for the collaborative efforts. And I just  
14 wish to say that I think all of us can be very proud of the staff response, Interim General  
15 Manager and Deputy Interim General Manager Daniel and Chow, have been extremely  
16 responsive. The technical knowledge of our staff is unsurpassed. And I think that we  
17 certainly owe them a great debt of gratitude for their distinguished service during these  
18 emergencies. And I'm very proud to be representing this agency.

19  
20 Vice President Andrews,  
21 Thank you. I want to adjust one addendum on the Rockville issue in terms of coverage.  
22 I understand there a few other small areas within the city, some parts of Twin Brook that  
23 are also served by WSSC. So a way for Rockville residents to be sure is to check their  
24 water bill and see who they send their check to. All right, I'm going to go to  
25 Councilmember Elrich and then Councilmember Floreen.

26  
27 Councilmember Elrich,  
28 I just had a question about the testing. You wait until the results come back at 1:00, and  
29 that will determine whether or not you need to do another round of testing?

30  
31 Teresa Daniel,  
32 We have to do the second round of testing regardless. What we need to have is two  
33 consecutive negative results for bacteria.

34  
35 Councilmember Elrich,  
36 They have to be 24 hours apart?

37  
38 Teresa Daniel,  
39 No, they don't have to be 24 hours apart. We've already got samples ready for the next  
40 round of testing. So in other words, we don't have to wait till the first round comes back  
41 to start the second round. We've started the second round already.

42 Councilmember Elrich,  
43 Are you going to continue to take samples through the day, in the event, you know, say  
44 we were to get better at 8:00 tonight that you've got samples ready to test so that we



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1 don't -- I'm just concerned that we won't go back into the testing until we know the result  
2 -- we won't go back into sampling until we know the results of these tests. And I want to  
3 be sure that if you've taken samples all the way along, you may have later samples that  
4 might be good.

5  
6 Teresa Daniel,  
7 I see what you're saying. We have a regular system of sampling, which that we are  
8 continuing to do that as well. Karen can give you some specifics of that, but yes, we are  
9 continuing to sample.

10  
11 Councilmember Elrich,  
12 Okay.

13  
14 Vice President Andrews,  
15 Okay. Councilmember Floreen.

16  
17 Councilmember Floreen,  
18 Thank you. At some later date, we will schedule either in committee or the full Council a  
19 review of what's happened, identify causes and so forth. I think we'll all be interested in  
20 that. And I'd like you to think as you deal with this crisis about the costs that we're  
21 incurring, and keep track that at least with some attention to that, so we can have a  
22 good conversation about our infrastructure needs and maintenance. We've been around  
23 this block this year already. And the community-at-large has had a lot of questions in  
24 the past 24 hours, as you can imagine and probably have had to face yourself as to the  
25 situation. So we won't get into that now, but I'd like you to think about that as we work  
26 through this. A basic question, there was some lack of clarity, at least in my community,  
27 and I appreciate Teresa giving me a call last night late. I may have sounded like I had  
28 been awakened, but you had a long day and I appreciate that. The map that you have  
29 on your website that is the map of the effected communities; correct?

30  
31 Teresa Daniel,  
32 That's correct.

33  
34 Councilmember Floreen,  
35 And I appreciate that the message was to all communities outside the beltway. I don't  
36 know how else you could have defined it. But people should know if they go to your  
37 website and look at the map that will give them the specifics as to what exact  
38 communities are affected by these restrictions. So there are some that are not actually  
39 included in this requirement, and it's a tremendous resource for people to be aware of.  
40 And I thank you for putting that map up there. The issue with respect to boiled water has  
41 to do with food preparation and anything dealing with something you're going to drink or  
42 whatever.

43  
44 Teresa Daniel,



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1 Something you will consume.

2  
3 Councilmember Floreen,

4 Something close to the body. But other uses of water we don't have the pressure issue  
5 anymore? Can people water their gardens? Not that we really seem to need it. Are we  
6 worried about that?

7  
8 Karen Wright,

9 Once we got regained storage in the system, throughout the entire zone, it is now --  
10 we're -- we requested yesterday that people not flush sediment or discoloration out of  
11 their services. This afternoon, once we've gotten everything stabilized again, we actually  
12 put out a press release saying if that you have discolored water, you have sediment in  
13 the water to please flush to do that. But any restrictions for water uses is gone.

14  
15 Councilmember Floreen,

16 Okay. That's an important message to get out there. Thank you. One question I had is --  
17 well, I know we can be proactive now, but when the restrictions are lifted, can we use  
18 the alert system, the email alert system that we have to include this WSSC information?  
19 I know we didn't use it previously, but this is the kind of thing exactly that we should  
20 integrate into that. So I would recommend that we do that. That would be helpful for  
21 folks. And again, I'm glad you provided us with the information about hospitals. If we  
22 have any information about nursing homes or other environments in which people are  
23 disabled or otherwise unable to care for themselves, that's a key area that we will look  
24 for information on when we have a chance to recap.

25  
26 Dr. Ulder Tillman,

27 Part of the responsibilities in Health and Human Services is for our group homes,  
28 assisted living, and nursing homes. We made phone calls to them. Most of them, if not  
29 all of them, had -- or definitely our nursing homes and assisted living have disaster  
30 plans in place. So even though they lost water, they did have three days of bottled water  
31 on hand for their residents, so they had that.

32  
33 Councilmember Floreen,

34 And I must say, given previous emergency preparedness advice from you all, I went  
35 down to my basement and picked up one of the bottles of water that I had stored, based  
36 on Mr. Aoyagi's advice, previously. So I hope all our residents will keep that in mind. We  
37 might want to think, Tim, about a continued notification -- reminder to our community-at-  
38 large about how this is why you do that sort of thing.

39  
40 Tim Firestine,

41 Right.

42  
43 Councilmember Floreen,

